



**Legislative Assembly
Province of Alberta**

No. 23

VOTES AND PROCEEDINGS

First Session

Twenty-Fifth Legislature

Monday, May 28, 2001

The Speaker took the Chair at 1:30 p.m.

Presenting Petitions

Dr. Nicol, Hon. Leader of the Official Opposition, presented a petition from 2,000 Albertans requesting that the Government end the policy permitting hazardous waste transportation into Alberta.

Introduction of Bills (First Reading)

Notice having been given:

Bill 21 Electronic Transactions Act — Mr. Horner

On motion by Hon. Mr. Hancock, Government House Leader, the following Bill was placed on the Order Paper under Government Bills and Orders:

Bill 21 Electronic Transactions Act — Mr. Horner

Tabling Returns and Reports

Hon. Mr. Zwozdesky, Minister of Community Development:

Letter dated May 28, 2001, from Hon. Mr. Zwozdesky, Minister of Community Development, to Salim Bhimji, Volunteer Convenor, Partnership Walk 2001, congratulating the Aga Khan foundation on its 17th annual Partnership Walk held on May 27, 2001

Sessional Paper 275/2001

Letter dated May 28, 2001, from Hon. Mr. Zwozdesky, Minister of Community Development, to Orest Korbutt, Chairman, Alberta Sports Hall of Fame and Museum, congratulating Mr. Korbutt and the Board of the Sports Hall of Fame and Museum Society on hosting a successful inductee dinner and ceremony on May 25, 2001, and also congratulating the individuals and teams who were inducted

Sessional Paper 276/2001

Ms Fritz, Hon. Member for Calgary-Cross:

Letter dated May 18, 2001, from 11 doctors from the Stollery Children's Health Centre, Capital Health, to the Members of the Legislative Assembly, expressing support for Bill 209, Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001

Sessional Paper 277/2001

Letter dated May 18, 2001, from 5 doctors from the Pediatric Intensive Care Unit, Stollery Children's Health Centre, Capital Health, expressing support for Bill 209, Highway Traffic (Bicycle Safety Helmet) Amendment Act, 2001

Sessional Paper 278/2001

Dr. Nicol, Hon. Leader of the Official Opposition:

Letter dated May 7, 2001, from Frank Andruchow of Edmonton to Dr. Nicol, Hon. Leader of the Official Opposition, expressing concerns regarding, and opposition to, deforestation in Alberta

Sessional Paper 279/2001

Letter dated May 9, 2001, from Anne Williams of Lethbridge to Dr. Nicol, Hon. Leader of the Official Opposition, expressing opposition to the rezoning of land near Waterton Lakes National Park

Sessional Paper 280/2001

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

Document, undated and unsigned, addressed to the Director of Environmental Assessment and Compliance, Alberta Environment, entitled "A Statement of Concern on behalf of Edmonton Friends of the North Environmental Society (EFONES)" expressing concerns regarding Inland Cement's proposed fuel substitution project, prepared by Robert Wilde of Edmonton

Sessional Paper 281/2001

Letter dated February 7, 2001, from Cliff Thesen, Area Manager, Lethbridge Management Area, Natural Resources Services, Alberta Environment, expressing concerns regarding the proposed Rocking Heart Ranch Country Residential Development plan near Waterton Lakes National Park

Sessional Paper 282/2001

Letter dated February 18, 2001, unsigned, from Bonita Field of Calgary to Hon. Mr. Klein, Premier, encouraging the designation of the Castle wilderness area as a wilderness park

Sessional Paper 283/2001

Mr. Renner, Hon. Member for Medicine Hat:

News release dated May 28, 2001, entitled "PanCanadian announces plans to build a third power plant in Alberta" prepared by Canada NewsWire

Sessional Paper 284/2001

Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Program from the Alberta Sports Hall of Fame and Museum 2001 Induction Banquet held on May 25, 2001

Sessional Paper 285/2001

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

Lyrics to the song "Four Strong Winds" written by Ian Tyson

Sessional Paper 286/2001

Lyrics to the song "Alberta Bound" written by Gordon Lightfoot

Sessional Paper 287/2001

News release dated July 19, 1999, entitled "Results of natural gas liquids policy task force announced" prepared by Alberta Resource Development

Sessional Paper 288/2001

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

Letter dated April 2, 2001, from Michele Mayer and Sharon Bodin, Committee Protesting Budget Cuts, to Manyberries School Council and Hon. Dr. Oberg, Minister of Learning, expressing concerns regarding education budget cuts resulting in three grades being taught in one class by one teacher at the Manyberries School for the 2001-2002 school year

Sessional Paper 289/2001

Letter dated May 16, 2001, from Michele Mayer and Sharon Bodin, Committee Protesting Budget Cuts, to Manyberries School Council and Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concerns regarding education budget cuts resulting in three grades being taught in one class by one teacher at the Manyberries School for the 2001-2002 school year

Sessional Paper 290/2001

Report dated May 1, 2001, entitled "Application for Electricity Export Permit Before the National Energy Board" prepared by Morgan Stanley Capital Group Inc.

Sessional Paper 291/2001

Mr. Mason, Hon. Member for Edmonton-Highlands:

Letter dated May 23, 2001, from Dieter Gade for Eric Lloyd, President, Bragg Creek Environmental Coalition, to Hon. Mr. Klein, Premier, requesting that the Government initiate public consultation on the Spray Lakes Sawmills forest management agreement, and expressing concerns regarding, and opposition to, the privatization of public forests

Sessional Paper 292/2001

Recognitions

Mr. Broda, Hon. Member for Redwater: Gary Macyk, coach of the Waskatenau Chiefs baseball team on receiving the Aurora Coach/Manager Award on October 29, 2000

Mr. Bonner, Hon. Member for Edmonton-Glengarry: Alberta Sports Hall of Fame and Museum 2001 Induction Banquet

Mr. Snelgrove, Hon. Member for Vermillion-Lloydminster: Nelson Lumber Company on becoming Canada's largest home manufacturer

Mrs. Jablonski, Hon. Member for Red Deer-North: Red Deer Rebels on winning the Canadian National Junior Hockey Championship Memorial Cup

Dr. Massey, Hon. Member for Edmonton-Mill Woods: Dr. Emery Dosedall, Superintendent of Edmonton Public Schools, on his resignation

Mr. Knight, Hon. Member for Grande Prairie-Smoky: Dr. Llewellyn Schwegmann for an early diagnosis of a case of flesh-eating disease

Speaker's Ruling - Point of Privilege

Following Oral Question Period last Thursday, May 24, 2001, the Honourable Government House Leader rose on a purported question of privilege. The basis of the Government House Leader's argument for a breach of privilege were certain comments by the Honourable Member for Edmonton-Highlands on Thursday last. His question related to the Meridian Dam project and, as Alberta Hansard records at page 775 the Honourable Member said that the project is of direct benefit to the Minister of Environment's constituency. In his second supplementary question the Honourable Member said, and I quote from page 776 of Alberta Hansard, "this is just a pork-barrel project for the minister's constituency."

As this is the first question of privilege raised in the 25th Legislature, the Chair will outline for new Members the nature and procedure for privilege. First, under Standing Order 15(2), written notice of a question of privilege is to be provided to the Speaker at least two hours before the opening of a sitting or under Standing Order 15(5), a Member may raise a question of privilege immediately after the words are uttered or the events occur that give rise to the question, in which case the written notice required under suborder (2) is not required. Privilege is such an important issue that any delay in raising the matter may serve to deny the request. In this case, there is certainly no doubt that the issue was raised at the earliest possible opportunity.

Under suborder (3) of our Standing Orders, the Speaker may defer debate of the matter until such time as it is determined the matter may be fairly dealt with and that is what the Chair did last Thursday when he invited the Honourable Member for Edmonton-Highlands to respond.

The Speaker's role is to determine whether the matter raised constitutes a *prima facie* question of privilege. As Joseph Maingot states in *Parliamentary Privilege in Canada* (2nd edition) at page 221:

"A *prima facie* case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate whether the privileges of the House have been breached or a contempt has occurred and report to the House."

Only you Honourable Members can determine whether there is a question of privilege and what to do about it. If the Chair finds there is a *prima facie* question of privilege then under suborder (6), any Member may give notice not later than the conclusion of the next sitting day of a motion to deal with it further. If the Chair finds there is not a *prima facie* question of privilege then, under suborder (7), the matter is concluded.

The Chair has listened attentively to the arguments made by those participating in this debate as early as last Thursday and today as well. It should be clear to all Members that an Assembly is a place of strong words. It is the Speaker's role to ensure that Members, all Members, are allowed the greatest latitude to express themselves in line with centuries of tradition attesting to a Member's freedom of speech. The right carries a duty to act responsibly consistent with the Assembly's rules and traditions and the Chair will not be guided by an individual Member's point of opinion exercised on a particular day but will be guided by the rules and the traditions of the British form of parliamentary democracy developed, extended, and created from nearly 800 years.

Last Thursday, the Honourable Government House Leader quoted a passage from page 86 of the book, *House of Commons: Practice and Procedure* (edited by Marleau and Montpetit). The passage quoted by the House Leader was from a May 5, 1987 ruling by former Speaker Fraser of the Canadian House of Commons. The Chair examined that ruling which is found at pages 5765 - 5766 of *Commons Debates*. In that case, allegations were made against the then Minister of Fitness and Amateur Sport, the Honourable Otto Jelinek, concerning a purported conflict of interest. Speaker Fraser found that while the allegations were serious, they did not amount to a *prima facie* question of privilege as the Member's ability to perform his functions was not impaired.

In this case, the Member for Edmonton-Highlands may have violated certain provisions of the Standing Orders namely 23(h) - makes allegations against another Member, or 23(i) - imputes false or unavowed motives to another Member. The comments could have given rise to a legitimate point of order. The Chair does not believe this is a case that falls into that very small category of comments that would impede a Member in performing his or her parliamentary duties. In a November 8, 1998 ruling on a similar issue, the Chair quoted Maingot at page 254, "Language spoken during a parliamentary proceeding that impugns the integrity of Members would be unparliamentary and a breach of order contrary to the Standing Orders, but not a breach of privilege."

Furthermore, although the term "pork-barrel" has been used in this Assembly, it has not been ruled unparliamentary. However, as all the authorities point out, whether a word or expression is parliamentary or unparliamentary depends on the context in which it is used. To quote Beauchesne's at paragraph 491, "A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary." The Chair did not intervene last Thursday when the words were spoken. While they might have been the subject of a point of order they do not give rise to a point of privilege.

To return to Speaker Fraser's 1987 ruling, he made some very, very good points. One is that the absolute privilege that was extended to Members for what they say in the House came about in the British House of Commons in a different age when things said in the House probably would not be heard "throughout the length and breadth of the kingdom." He then said "Today, as a consequence of television and electronic broadcasts, anything said in this place is said on the street right across this country, and that must be borne in mind."

He also reminded Members to take the greatest care in framing questions relating to conflicts of interest.

While there is not a *prima facie* question of privilege, the Chair is very concerned about the type of statements that give rise to these types of points of order and questions of privilege. This is a place of honour and Members on all sides must respect the institution. The tremendous rights and immunities that Members possess must be tempered with responsibility. If Members will not exercise some self-restraint then the Chair will intervene more frequently to ensure that the proper level of decorum and respect is maintained.

In the Chair's view, this was a regrettable exchange that did not reflect well on the Assembly. We will move on.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

The following Bills were read a Second time and referred to Committee of the Whole:

Bill 16 School Amendment Act, 2001 — Hon. Dr. Oberg

Bill 17 Insurance Amendment Act, 2001 — Ms Graham

On the motion that the following Bill be now read a Second time:

Bill 20 Appropriation Act, 2001 (\$) — Hon. Mrs. Nelson

A debate followed.

Dr. Nicol moved adjournment of the debate, which was agreed to.

Correction to the Official Records of the Assembly

The Deputy Speaker requested and received the unanimous consent of the Assembly to replace the original copy of Bill 13, Farm Implement Dealerships Act, with the corrected version for the official records of the Assembly.

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:28 p.m. until 8:00 p.m.

MONDAY, MAY 28, 2001 — 8:00 P.M.

Government Bills and Orders

Second Reading

On the motion that the following Bill be now read a Second time:

Bill 20 Appropriation Act, 2001 (\$) — Hon. Mrs. Nelson

A debate followed.

Hon. Mr. Hancock moved adjournment of the debate, which was agreed to.

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Acting Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, the Acting Speaker resumed the Chair.

The following Bills were reported:

Bill 2 Cooperatives Act — Mr. Magnus

Bill 9 Victims of Crime Amendment Act, 2001 — Hon. Mrs. Forsyth

Bill 10 Traffic Safety Amendment Act, 2001 — Mr. Cenaiko

Bill 19 Miscellaneous Statutes Amendment Act, 2001 — Hon. Mr. Hancock

The following Bill was reported with some amendments:

Bill 8 Alberta Corporate Tax Amendment Act, 2001 — Mr. McClelland

Mr. Klapstein, Acting Chair of Committees, tabled copies of an amendment considered by the Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 8 (Hon. Member for Edmonton-Rutherford) —
Agreed to

Sessional Paper 293/2001

Third Reading

On the motion that the following Bill be now read a Third time:

Bill 1 Natural Gas Price Protection Act — Hon. Mr. Hancock on behalf of Hon. Mr. Klein

A debate followed.

Pursuant to Standing Order 61(3), debate adjourned.

Second Reading

Pursuant to Standing Order 61(3), at 11:45 p.m. the Acting Speaker immediately put the question on the Appropriation Bill standing on the Order Paper for Second Reading, which was agreed to.

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 20 Appropriation Act, 2001 (\$) — Hon. Mrs. Nelson

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Acting Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, and pursuant to Standing Order 60, at 12:00 a.m., the Committee of the Whole adjourned to rise and report, and the Acting Speaker resumed the Chair.

The following Bills were reported:

Bill 12 Farm Implement Amendment Act, 2001 — Mr. Horner

Bill 13 Farm Implement Dealerships Act — Mr. Goudreau

Progress was reported on the following Bill:

Bill 11 Employment Standards Amendment Act, 2001 — Hon. Mr. Dunford

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Acting Speaker left the Chair.

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 7 Regional Health Authorities Amendment Act, 2001 — Hon. Mr. Mar

A debate followed.

Dr. Taft, Hon. Member for Edmonton-Riverview, moved the Bill be amended by adding section 3.1 as follows:

3.1 Section 21 is amended by adding the following after subsection (1):

(1.1) For the purposes of subsection (1)(e), all members of a regional health authority must be elected commencing October 15, 2001.

A debate followed (on amendment).

The question being put, the amendment was defeated. With Mr. Shariff in the Chair, the names being called for were taken as follows:

For the amendment: 5

Blakeman	Mason	Taft
MacDonald	Massey	

Against the amendment: 30

Ady	Goudreau	Maskell
Amery	Hancock	McClelland
Boutilier	Hlady	Melchin
Cenaiko	Horner	Ouellette
Coutts	Hutton	Rathgeber
Danyluk	Jacobs	Stelmach
DeLong	Johnson	Strang
Doerksen	Klapstein	Taylor
Ducharme	Knight	VanderBurg
Dunford	Kryczka	Zwozdesky

Dr. Taft, Hon. Member for Edmonton-Riverview, moved the Bill be amended by adding section 3.1 as follows:

3.1 Section 21 is amended by adding the following after subsection (1):

(1.1) For the purposes of subsection (1)(e), a person is not eligible to be nominated as a candidate in an election for membership on a regional health authority board if on nomination day the person

(a) is a director, officer or employee of a corporation, partnership or other association that receives income from the Department of Health and Wellness or a regional health authority,

(b) receives income from a contract with a regional health authority, or

(c) owns voting shares in a corporation or holds an interest in a partnership or other association that receives income from the Department of Health and Wellness or a regional health authority.

A debate followed (on amendment).

The question being put, the amendment was defeated. With Mr. Shariff in the Chair, the names being called for were taken as follows:

For the amendment: 5

Blakeman	Mason	Taft
MacDonald	Massey	

Against the amendment: 29

Ady	Goudreau	Maskell
Amery	Hancock	McClelland
Boutilier	Hlady	Melchin
Cenaiko	Horner	Ouellette
Coutts	Hutton	Stelmach
Danyluk	Jacobs	Strang
DeLong	Johnson	Taylor
Doerksen	Klapstein	VanderBurg
Ducharme	Knight	Zwozdesky
Dunford	Kryczka	

On motion by Mr. Cao, Hon. Member for Calgary-Fort, that the Committee rise and report progress, the motion was agreed to.

During the recorded vote call, the Deputy Speaker requested and received the unanimous consent of the Assembly to begin the call again.

With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 40

Abbott	Hlady	McFarland
Cao	Jablonski	Norris
Danyluk	Jonson	O'Neill
Ducharme	Knight	Pham
Evans	Lord	Renner
Fischer	Lougheed	Smith
Forsyth	Lukaszuk	Snelgrove
Friedel	Lund	Stevens
Fritz	Magnus	Tarchuk
Gordon	Mar	Vandermeer
Graham	Marz	Woloshyn
Graydon	Masyk	Yankowsky
Haley	McClellan	Zwozdesky
Herard		

Against the motion: 5

Blakeman	Carlson	Pannu
Bonner	Nicol	

And after some time spent therein, the Deputy Speaker assumed the Chair.

The following Bills were reported:

Bill 7 Regional Health Authorities Amendment Act, 2001 — Hon. Mr. Mar

Bill 11 Employment Standards Amendment Act, 2001 — Hon. Mr. Dunford

Progress was reported on the following Bill:

Bill 16 School Amendment Act, 2001 — Hon. Dr. Oberg

Mr. Lougheed, Acting Chair of Committees, tabled copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 7 (Hon. Member for Edmonton-Riverview) — Defeated
on division

Sessional Paper 294/2001

Amendment to Bill 7 (Hon. Member for Edmonton-Riverview) — Defeated
on division

Sessional Paper 295/2001

Amendment to Bill 7 (Hon. Member for Edmonton-Riverview) — Defeated
Sessional Paper 296/2001

Amendment to Bill 16 (Hon. Member for Calgary-Mountain View) —
Debate adjourned

Sessional Paper 297/2001

Third Reading

The following Bills were read a Third time and passed:

Bill 1 Natural Gas Price Protection Act — Hon. Mr. Klein

Bill 8 Alberta Corporate Tax Amendment Act, 2001 — Mr. McClelland

Bill 10 Traffic Safety Amendment Act, 2001 — Mr. Cenaiko

Bill 11 Employment Standards Amendment Act, 2001 — Hon. Mr. Dunford

Bill 12 Farm Implement Amendment Act, 2001 — Mr. Horner

Bill 13 Farm Implement Dealerships Act — Mr. Goudreau

Bill 19 Miscellaneous Statutes Amendment Act, 2001 — Hon. Mr. Hancock

On the motion that the following Bill be now read a Third time:

Bill 2 Cooperatives Act — Mr. Magnus

A debate followed.

The question being put, the motion was agreed to. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the motion: 45

Abbott	Jablonski	O'Neill
Bonner	Jonson	Pannu
Cao	Lord	Pham
Carlson	Lougheed	Rathgeber
Danyluk	Lukaszuk	Renner
Dunford	Lund	Smith
Fischer	Magnus	Snelgrove
Forsyth	Mar	Stelmach
Friedel	Marz	Stevens
Fritz	Mason	Strang
Gordon	Masyk	Taft
Graham	McClellan	Tannas
Graydon	McFarland	Vandermeer
Haley	Nicol	Woloshyn
Herard	Norris	Yankowsky

Against the motion: 0

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:20 p.m. on Tuesday, May 29, 2001, until Wednesday, May 30, 2001, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, May 28, 2001