

Legislative Assembly of Alberta

Title: **Monday, August 30, 1993**

3:00 p.m.

Date: 93/08/30

[The Mace was on a cushion below the Table]

SERGEANT-AT-ARMS: Order! All rise, please.

[The Clerk read the Royal Proclamation dated August 25, 1993, summoning the Members of the Legislative Assembly of Alberta to convene on this date]

CLERK: Please be seated.

head: **Entrance of the Lieutenant Governor**

[The Premier, the Clerk, and the Sergeant-at-Arms left the Chamber to attend the Lieutenant Governor]

SERGEANT-AT-ARMS: Order! All rise, please.

His Honour the Honourable the Lieutenant Governor.

[Preceded by the Sergeant-at-Arms, His Honour the Lieutenant Governor of Alberta, Gordon Towers, his party, the Premier, and the Clerk entered the Chamber. His Honour took his place upon the throne]

HIS HONOUR: Please be seated.

MR. ROSTAD (Provincial Secretary): Hon. members, I am commanded by His Honour the Honourable the Lieutenant Governor to inform you that he does not see fit to declare the causes of the summoning of the present Legislature of this province until a Speaker of this Assembly shall have been chosen according to law. He therefore is pleased to retire from this Assembly, to return at a subsequent hour tomorrow to declare the causes of the calling of this Legislature.

SERGEANT-AT-ARMS: All rise, please.

[Preceded by the Sergeant-at-Arms, the Lieutenant Governor, his party, and the Premier left the Chamber]

CLERK: Please be seated.

[The Premier returned to the Chamber]

head: **Election of Speaker**

CLERK: Hon. members, pursuant to the Lieutenant Governor's direction and section 16(1) of the Legislative Assembly Act, nominations are invited for the office of Speaker of this Assembly.

Point of Order Election Procedure

MR. MITCHELL: Point of order. I rise under *Beauchesne*, section 150.

CLERK: There are no points of order. We're not in Assembly yet.

MR. MITCHELL: Mr. Clerk, section 150 says "points of order have been raised during the electoral process and [they are] decided by the Chair." I have two points of order that I think are in order because of the importance of this process. This is an

historic process, of course. This is the first time a Speaker of the Legislative Assembly of Alberta will be elected, and almost properly, if we can get that process structured in a way that is proper.

There are two points we would address in that regard. *Beauchesne* 148 calls for:

During the conduct of the election [of a Speaker] at the beginning of a Parliament, the Chair is taken by the private Member with the longest period of unbroken service in the House.

I would also call the members' attention to section 151, which addresses the manner in which nominations are undertaken for an election as important as this election of Speaker. *Beauchesne* calls for a nomination process which we believe is much more open and much less subject to the possibility of bias. The *Beauchesne* procedure is structured in this way: each member of this Legislature save the leaders of parties and ministers would automatically stand for nomination unless they otherwise specified that they did not want to stand for nomination. This is exactly the procedure that was undertaken in 1986 in the Parliament of Canada, and it is in fact a procedure that is outlined in great detail in *Beauchesne*. It has one fundamentally important advantage, and that is that no individual in this House is forced to nominate a Speaker who would then ultimately win, thereby suggesting the possibility of bias in that relationship. The corollary to that is that no member who nominated somebody else to run against the Speaker who ultimately won would be in any jeopardy in having declared their position in favour of somebody other than the Speaker who ultimately won.

The importance of this, members of the House, is such that we would ask that the government consider these two procedural points. If they would like a short recess to do that for several minutes or for however long it is that they would require, then we'd be more than happy to oblige them in that regard.

MR. KOWALSKI: Mr. Clerk, in response to the point of order raised by the House leader for the opposition party, I'm pleased also to note that the House leader did advise me some weeks ago that in all likelihood such a point of order would be raised on this particular day dealing with this particular type of item, but as the Clerk and all members of this Assembly know, unless there is an election of a Speaker, this House is not in a position to advance any business.

More importantly than that, Mr. Clerk, there is convention, historical precedence of this Assembly, which overweighs any citation that might come out of *Beauchesne* or any other document that would deal with any other parliament. Clearly and without any doubt whatsoever, in the history of the Legislature of this particular province, in the history of the Legislature of this particular jurisdiction going back to 1905, it is very, very clear, without any reservation, any hesitation, any doubt whatsoever about the procedure and the process used in the election of a Speaker, sir. That process is the one that is outlined and defined for the House today and one that has been dealt with not only going back to 1905 in this parliament, Mr. Clerk, but going back as recently as several months ago in this Assembly, when a very unique and unprecedented approach was taken in the election of the Deputy Chairman of Committees. The procedure that was dealt with and the procedure that was worked out was one worked out in consultation between the Government House Leader; the government caucus; Mr. Clerk; the House leader of the then Official Opposition, the New Democratic Party; and the House leader of the third party in the Assembly at that time, the Liberal caucus.

MR. N. TAYLOR: That's not so.

MR. KOWALSKI: Mr. Clerk, all members will know the procedure agreed to.

Now, notwithstanding the interruption at that time as has been echoed again today on August 30, 1993, the interruption by the Member for Westlock – sorry; Redwater. There is a constant tradition about this interruption, Mr. Clerk. It's going to happen irrespective of what constituency the honourable gentleman chooses to represent or finds himself destined to represent.

The fact of the matter, Mr. Clerk, is that the House leader for the Liberal opposition knows full well that the dominating and the domineering orders that this Assembly uses are the Standing Orders of the Legislative Assembly of the parliament of Alberta. Quite clearly, Standing Orders 1 and 2 take precedence over any other document, any other book reflective of any other parliament not only in Canada but in the British parliamentary system of government.

There is no point of order, with all due respect to my learned friend, Mr. Clerk, and I would ask that we continue now with the nominations for the position of Speaker of the House.

MR. DECORE: Point of order. I rise on *Beauchesne* 150, Mr. Clerk. It's clear that the Standing Orders are absolutely silent on this new process that we're undertaking. This Assembly should not have anyone beholden to anybody else, someone who nominates a Speaker who becomes successful, nor should a Speaker be in any possible position of providing some punishment to somebody that stands in his or her way. That's why the rules of procedure were so, I think, carefully set out in *Beauchesne*.

My friend the Deputy Premier knows that when rules are silent in our own Standing Orders, the procedure is that we move to *Beauchesne*, and *Beauchesne* is clear on this. We're able to rise on points of order. It says who takes over the Chair; it says how the election process is progressed with. It's clear how we do this. All we're saying is: let's follow the rules that are there; let's not make up new rules, Mr. Clerk.

CLERK: Members of the Assembly, as the House is not duly constituted and there is no Speaker and therefore no Chair, I am not in a position to make any kind of ruling on these points of order. As *Beauchesne* 150 points out, any things have to be decided by the Chair. There is no Chair at this point in time. However, in reference to Standing Order 2:

In all contingencies unprovided for, the question shall be decided by Mr. Speaker and, in making his ruling, Mr. Speaker shall base his decision on the usages and precedents of the Assembly and on parliamentary tradition.

This Assembly used this exact process for an election of the Deputy Chairman of Committees a number of months ago. That was the process that was agreed to by all members in the House at that time.

MR. N. TAYLOR: Point of order, Mr. Clerk.

CLERK: I am not in a position to handle points of order.

MR. N. TAYLOR: No, but the point is it was not agreed to by all members at that time; it was forced down our necks by that side and by a Speaker ruling with authority running out his teeth. He was the one who overruled it. We fought it at the time. It was not an agreement of the House. When you have no chairman, surely to God the basic parliamentary system is that a Chair is agreed to by the House. But at that time we had a Speaker who said: no, you shall vote this way, and if necessary I'll put the white smoke up the chimney when we decide whether we have a

Speaker or not. That was what he said. It was not an agreement whatsoever, so we need common agreement on who will be Chair. That's the first thing we have to settle. We should adjourn. I would move that we adjourn until we settle that. That's the first motion on the floor.

MR. KOWALSKI: Mr. Clerk, the reality is that there is no Chair of the Assembly at this point in time. The reality is that there are honoured precedents and traditions of this Assembly in dealing with the election of a Speaker. The reality is that the Standing Orders of the Legislature of this province are dominant and govern the procedures of this particular Legislature. Those are all realities, Mr. Clerk, and it's indeed unfortunate that this situation is now developing, because in essence it can lead to an absolutely and totally chaotic situation here this afternoon in the sense that if 32 members of a particular party choose to utter the arguments they choose to make, then in essence we will find ourselves in a very interesting scenario.

Mr. Clerk, it is not in the best interests of a democracy in the province of Alberta to forestall the operation of this Assembly, to forsake the business of the people that must be dealt with beginning today in the province of Alberta. We have the traditions, we have the precedents, and I'm appealing to the hon. members of the Liberal opposition that under the precedent clearly established in 1993, we should deal with the election of a Speaker. That matter has been dealt with, and at no time did anyone in the Liberal caucus tell me that they were going to oppose this in any other way than to make an argument but that once having made the argument, they would register their concern and then sit down.

We need to proceed. The people of this province elected a new government a few days ago, on June 15, 1993. They expect this government to conduct itself with decorum and integrity and honour, and they expect this government to deal with the agenda the people have voted this government to deal with. We cannot proceed, Mr. Clerk, unless we have a Speaker. I am appealing to all members of this Assembly to now allow the people of Alberta to proceed under the mandate and the dignity they provided this government just a few days ago, on June 15, 1993. The first order of business we must deal with is the election of the most esteemed member of this Assembly, the Speaker of the House.

CLERK: I'm in the hands of the members of the Assembly as to how they wish to proceed.

MR. BRUSEKER: Mr. Clerk, we don't wish to stall things, as the hon. member is suggesting. However, there is a procedure. Rules must be respected. These gentlemen and ladies opposite talk about rules being respected, and there is very clearly a rule: "the Chair is taken by the private Member with the longest period of unbroken service." We're suggesting that be the procedure. It may well be the Member for Whitecourt-Ste. Anne, although I'm not sure on that, who could take the Chair and do this process for us.

MR. KOWALSKI: Mr. Clerk, I would ask that you ask for a count of those members of the Assembly who are prepared to proceed with the election of the Speaker in the manner outlined by the government and in the manner in which the election of the Deputy Chairman of Committees was dealt with in the spring of 1993. The vote can be very simple: all those in favour of the time-honoured, traditional procedure of this House, abiding by the Standing Orders of this House, please raise their hands yea or nay.

CLERK: Ladies and gentlemen, we are under the command of the Lieutenant Governor to elect a Speaker. I am at your direction as to how we should proceed.

MR. KOWALSKI: Mr. Clerk, I've just outlined the procedure. Let us ask for a voice count: those in favour of following the time-honoured approach for the election of a Speaker as outlined by the government, say yes, and those who are opposed, say no. Let the majority rule.

head: **Election of Speaker**
(continued)

CLERK: Hon. members, pursuant to the Lieutenant Governor's direction and section 16(1) of the Legislative Assembly Act, nominations are invited for the office of Speaker of this Assembly.

MR. KOWALSKI: Mr. Clerk, I would like to put in nomination for the position of Speaker of the Legislative Assembly of the province of Alberta the name of the very distinguished member representing the constituency of Drumheller, Mr. Stan Schumacher.

CLERK: Mr. Schumacher, do you wish to accept the nomination?

MR. SCHUMACHER: I accept the nomination.

CLERK: Are there any further nominations?

MR. DECORE: Well, Mr. Clerk, I am saddened by the fact that rules of procedure are overlooked in such an arbitrary way. There was an easy way to solve this matter for the Clerk and for the Deputy Premier. This is not a good start for this Assembly. The government was not prepared and the rules are not being adhered to like they should be adhered to.

Notwithstanding that, we have no choice, then, but to proceed under this process that's tainted, to go ahead and submit our nominee for the process. Mr. Clerk, I nominate Bettie Hewes, the distinguished Member for Edmonton-Gold Bar, to be our nominee.

CLERK: Mrs. Hewes, do you wish to accept the nomination?

MRS. HEWES: Mr. Clerk, yes, I will accept the nomination.

CLERK: Are there any further nominations? I declare the nominations closed.

The nominees for the position of Speaker are Mrs. Bettie Hewes and Mr. Stan Schumacher.

Ladies and gentlemen, the voting will now begin.

[Members voted from 3:28 p.m. to 3:34 p.m.]

CLERK: Ladies and gentlemen, have all those voted who wish to do so?

We'll now retire to count the votes.

[Ballots were counted from 3:35 p.m. to 3:43 p.m.]

CLERK: Members of the Assembly, the number of ballots cast for the election of Speaker, 83; the number of spoiled ballots, none; the number of votes required to achieve the 50 percent plus one majority, 42. The member having received the majority of votes cast, Mr. Stan Schumacher, is hereby declared the Speaker of the Legislative Assembly of Alberta for the 23rd Legislature. [applause]

[The Speaker, with apparent reluctance, was escorted to the Chair by Mr. Klein and Mr. Decore]

MR. SPEAKER: I thank all members of the House for my election as Speaker.

As I take on the responsibility of the Chair, I first wish to publicly acknowledge my predecessor, the former Member for Calgary-Egmont, who served this Assembly and the people of Alberta with distinction. On behalf of the Assembly and all Albertans I say thank you. I'm grateful for your guidance and friendship. To you and your family: may health and happiness be yours.

I thank my constituents in Drumheller for their confidence in me as their Member of the Legislative Assembly. Drumheller is my home, and although I may journey far, home is where my heart remains.

To my best friend and lifelong companion, Virginia: you give me strength and confidence; thank you for your indulgence. To my children, Sandra and David, and my family and special friends: thank you for your patience, understanding, and gifts of love.

I'd like at this time to extend my personal gratitude to the Table officers and staff of the Speaker's office as well as the staff of the Legislative Assembly for their support. From my experience as Deputy Speaker I'm aware of the fact that I'm entirely reliant upon them and their many talents.

As your Speaker I welcome all members of the 23rd Legislature. Forty-nine of 83 members are new to this Assembly. Elected public office places incredible demands upon both individuals and their families. Each of us represents all our constituents, regardless of their political affiliations, cultural or linguistic backgrounds. You and I have been elected to serve not only our constituents but all the people of this magnificent province. You have pledged yourselves to that service, and in turn I pledge myself to the service of the Assembly of the province of Alberta.

Thank you.

[The Sergeant-at-Arms placed the Mace on the Table]

head: **Prayers**

MR. SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

Please be seated.

head: **Election of Deputy Speaker and
Chairman of Committees**

MR. SPEAKER: Might we have unanimous consent to proceed with the election of Deputy Speaker of this Assembly?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

Hon. members, pursuant to section 17(1) of the Legislative Assembly Act nominations are invited for the office of Deputy Speaker and Chairman of Committees of this Assembly.

The hon. the Minister of Labour.

MR. DAY: Thank you, Mr. Speaker. It's an honour for me to say with great confidence that I'm pleased to nominate to the office of Deputy Speaker the distinguished Member for Greenwood, Mr. Don Tannas.

MR. SPEAKER: Hon. Member for Highwood, do you accept this nomination?

MR. TANNAS: I do.

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker, and congratulations on your election.

Mr. Speaker, I'd just like to reiterate our earlier concerns about the process of the election of Speaker, and I would ask that in a couple of days' time you examine those arguments made by my colleague from Edmonton-McClung and perhaps make a ruling on them.

However, having said that, I would like to nominate the esteemed Member for Edmonton-Gold Bar for the position of Deputy Speaker.

MR. SPEAKER: Hon. Member for Edmonton-Gold Bar, do you wish to accept this nomination?

MRS. HEWES: Mr. Speaker, yes, I accept the nomination.

MR. SPEAKER: Are there any further nominations for the office of Deputy Speaker? Hearing none, I declare nominations closed.

The nominees for the position of Deputy Speaker and Chairman of Committees are Mr. Donald Tannas, the hon. member for the electoral division of Highwood, and Mrs. Bettie Hewes, the hon. member for the electoral division of Edmonton-Gold Bar.

Mr. Clerk, could you ensure that the necessary machinery is set in place?

The voting will now begin.

[Members voted from 3:53 p.m. to 4 p.m.]

MR. SPEAKER: Order please. Have all voted who wish to do so? Then we'll proceed with the counting of the ballots. The House may be at ease.

[Ballots were counted from 4:01 p.m. to 4:09 p.m.]

MR. SPEAKER: Order please. Hon. members, the number of ballots cast for the position of Deputy Speaker and Chairman of Committees was 82; the number of spoiled ballots, zero; the number of votes required to achieve the 50 percent plus one majority, 42. The member having received the majority of the votes cast is Mr. Donald Tannas, who is hereby declared Deputy Speaker and Chairman of Committees of the Legislative Assembly of Alberta for the 23rd Legislature. [applause]

head: Election of Deputy Chairman of Committees

MR. SPEAKER: Hon. members, the next position to be filled is the position of Deputy Chairman of Committees. Are there any nominations for Deputy Chairman of Committees?

The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I'd like to begin by congratulating you on your election to the Chair and indicate to the House that it's my great pleasure to nominate the hon. Member for Dunvegan, Mr. Glen Clegg, for the position of Deputy Chairman of Committees.

MR. SPEAKER: Mr. Clegg, do you wish to accept this nomination?

MR. CLEGG: It's a pleasure to accept this nomination.

MR. SPEAKER: The hon. Member for Edmonton-McClung.

MR. MITCHELL: Thank you, Mr. Speaker. I, too, would like to congratulate you on your election as Speaker.

I would like to begin by reiterating, under *Beauchesne* 151, our concern with the process in these three elections. Having said that, we accept that the die is cast, and we will proceed under the process that has been imposed upon us.

It is with great pleasure that I nominate for this position Mrs. Bettie Hewes, the Member for Edmonton-Gold Bar.

MR. SPEAKER: I'd ask my and all of our good friend the hon. Member for Edmonton-Gold Bar, Mrs. Hewes, whether she would wish to accept this nomination.

MRS. HEWES: Mr. Speaker, yes, I am pleased to accept the nomination.

MR. SPEAKER: Are there any further nominations for the office of Deputy Chairman of Committees? Having heard no further nominations, I declare that nominations are closed.

The nominees for the position of Deputy Chairman of Committees are the hon. Member for Edmonton-Gold Bar, Mrs. Bettie Hewes, and the hon. Member for Dunvegan, Mr. Glen Clegg.

The voting will now begin.

[Members voted from 4:13 p.m. to 4:23 p.m.]

MR. SPEAKER: Order in the Assembly, please. Have all voted who wish to do so? Order.

Speaker's Ruling Decorum

MR. SPEAKER: Hon. members don't realize the rules yet and neither does the Chair know all of them by heart, but one of the basic rules is that nobody walks or moves in the Chamber while the Speaker is on his feet.

Also, it is not proper to walk between the Speaker and the Chair. There is a place around the back of the Chair that is open for that purpose. We've all got to become aware of these things, so I thought it might be a good idea to do that now.

head: Election of Deputy Chairman of Committees (continued)

MR. SPEAKER: If everybody's had the opportunity to vote, I'll ask the Clerk and the people at the Table to proceed with the counting of the ballots.

[Ballots were counted from 4:24 p.m. to 4:32 p.m.]

MR. SPEAKER: Hon. members, the number of ballots cast for the position of Deputy Chairman of Committees is 82; the number of spoiled ballots, zero; the number of votes required to achieve the 50 percent plus one majority, 42. The member having received the majority of the votes cast is Mr. Glen Clegg, who is hereby declared Deputy Chairman of Committees of the Legislative Assembly of Alberta for the 23rd Legislature. [applause]

Hon. members, there is one remaining thing to be dealt with. Could we have consent to destroy all ballots and documents related to the election of the Speaker, the Deputy Speaker and Chairman of Committees, and the Deputy Chairman of Committees?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

[At 4:35 p.m. the Assembly adjourned to Tuesday at 3 p.m.]

