

## Legislative Assembly of Alberta

Title: **Wednesday, May 18, 1994**

1:30 p.m.

Date: 94/05/18

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, grant us a daily awareness of the precious gift of life which You have given us.

As Members of this Legislative Assembly we dedicate our lives anew to the service of our province and our country.

Amen.

head: **Introduction of Visitors**

MRS. MIROSH: Mr. Speaker and members of the Assembly, I have the privilege to introduce to you Mr. Ata Nobodov, who is the president of Turkmenistan and chairman of the State Committee on Land Use. Mr. Nobodov was appointed president of the state committee two years ago and has had a distinguished career in which at one time he served as deputy minister of the Cabinet of Ministers. He is here with his colleagues Mr. Feodosy Kost, who is the chairman of the Turkmengeodesy; Mr. Khadjiev, counsellor of the Cabinet of Ministers; and Mr. Mashadov, chief of expedition of the State Committee on Land Use.

Turkmenistan is an independent republic in the Commonwealth of Independent States and has just begun an economic reform process. One of the biggest challenges of the Turkmenistan government is to develop a land management policy that will achieve a balance between land exploitation and resource conservation. Alberta over the years has developed an excellent expertise in both of these areas, and we are proud and honoured that the government of Turkmenistan will adapt the models of land management from Alberta, and they can build on our expertise and our systems of land management and administration.

Accompanied by Mr. Nobodov and his colleagues are Mr. Ken – I'm sorry I can't pronounce the name here, and I should because it's my nationality – Korchinski, vice-president and regional manager of UMA Engineering Ltd., and Lilea Wolanski of Kozakewich and Associates, and Mr. Bud Conway, managing director of Kozakewich and Associates. Would they all please rise and receive the warm welcome of this Assembly.

MR. SPEAKER: The hon. Leader of the Opposition.

MR. DECORE: Thank you, Mr. Speaker. It is an honour for me to rise and introduce some very special guests that are seated in your gallery. Today with us are Mr. Toru Unno, Mrs. Yuko Unno, and their son Oki Unno, all of Shizuoka, Japan. Mr. Unno is a member of the Provincial Council for Shizuoka, a parliamentarian, and is a member of the Japanese Renewal Party. The party is one of Japan's three largest and is part of the governing coalition party in Shizuoka. Mr. Unno is also chairman of Shizuoka's Commerce and Business Committee.

Mr. and Mrs. Unno are in Edmonton for a special occasion, and that is the graduation of their son Oki from Jasper Place composite high school. He's been here since grade 10 and is completing grade 12, and Oki tells me that he's hoping to continue on at the University of Alberta in the fall. At the moment he can't decide whether to study physics or philosophy. Would they stand and be welcomed by the Assembly.

head: **Presenting Petitions**

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

MR. HENRY: Thank you very much, Mr. Speaker. I beg your leave to present a petition signed by 221 Albertans. The petition urges the government of Alberta to amend the Individual's Rights Protection Act to include the category of sexual orientation, bringing the IRPA in line with section 15 of the Canadian Charter of Rights and Freedoms.

Thank you.

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I am presenting a petition from 654 residents from St. Albert and the surrounding area who urge the government

to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to present a petition just received from residents of Edmonton-Avonmore and surrounding area urging the Legislative Assembly of Alberta to ask the government to maintain the Grey Nuns Hospital in Mill Woods as an active full-service, acute care treatment hospital and to continue to serve the southeast end of Edmonton and surrounding area.

MR. SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. I'm pleased to present a petition from 82 Albertans protesting the attack on the education system.

As well, I have a petition from 99 Albertans protesting the cuts to seniors' programs.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I have two petitions to present today. The first one is signed by a number of parents from the southeast Edmonton area urging the government to allow children "to receive 400 hours of kindergarten instruction, without placing undue financial stress on Alberta families by the imposition of user fees."

The other one is signed by more than 500 residents of southeast Edmonton in support of keeping the Grey Nuns hospital open as an active care hospital.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present a petition signed by 180 seniors asking the government "not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions."

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to present a petition signed by 360 individuals primarily from the Calgary-North West constituency requesting that the Alberta Children's hospital remain in its present location in Calgary.

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

MR. SAPERS: Thank you, Mr. Speaker. I have two petitions to table this afternoon. The first is signed by another 38 senior Albertans who are petitioning the Legislative Assembly to urge the government not to alter the level of support for all benefits for seniors.

The second petition represents the views of another 64 Albertans from places including Wetaskiwin, St. Albert, and the city of Edmonton who are petitioning the Legislative Assembly to continue funding kindergarten at [its] current level, allowing each and every child in Alberta the opportunity to receive 400 hours of kindergarten instruction, without placing undue financial hardship on the families.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'm pleased to present a petition requesting that each and every child in Alberta be given the opportunity to receive 400 hours of kindergarten instruction.

MR. SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure to submit a petition from people in the Pincher Creek-Crownsnest Pass area supporting the Children's hospital in Calgary and urging the government to continue it as a full-service hospital. There are 105 names on this petition.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I beg leave this afternoon to present a petition signed by a group of Beaumont and vicinity residents asking that the Grey Nuns hospital be maintained as a full-service hospital.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I would ask that the petition I presented on May 9 in the Assembly respecting the Grey Nuns hospital now be read and received.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the government to maintain the Grey Nuns hospital in Mill Woods as a full-service, active hospital and continue to serve the south-east end of Edmonton and surrounding area.

MR. SPEAKER: The hon. Member for St. Albert.

1:40

MR. BRACKO: Thank you, Mr. Speaker. I request that my petition of May 3 regarding the removal of the Sturgeon general hospital from the Edmonton region be read and received.

CLERK:

We the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the city of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

MR. N. TAYLOR: Mr. Speaker, I'd request that the petition I presented to the Legislature on May 3 asking the Minister of Health to reconsider her rather amazing position of keeping the Sturgeon in St. Albert rather than putting it in a north district be read.

CLERK:

We the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the city of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I'd ask that the petition I presented on May 3 about the Sturgeon hospital being kept in the county of Sturgeon be read and received.

Thank you.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

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

MR. SAPERS: Thank you, Mr. Speaker. I rise to ask that each of the eight petitions which I tabled on May 5 concerning the desire of over 22,000 Albertans to have kindergarten funding reinstated to its full 400 hours now be read and received.

CLERK:

We the undersigned petition the Legislative Assembly to urge the Government of Alberta to provide quality kindergarten education for our children by maintaining a minimum of 400 hours of instruction per child per school year and to guarantee this right by legislation.

MR. SPEAKER: The hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. May I request that the petition I presented on the 9th of May objecting to the restructuring of the education system be now read and received.

CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta not to implement the plan to restructure the educational system in Alberta, as proposed by the Minister of Education and to ensure that every Albertan will have

the opportunity for input and involvement in future plans to restructure the educational system in Alberta.

head: **Tabling Returns and Reports**

MR. DINNING: Mr. Speaker, I have three filings today: first of all, the response to Order for a Return 189, the annual report for the year ending December 31, 1993, of the Alberta Automobile Insurance Board, and a press release calling on the government to preserve the autonomy of universities, saying that "We cannot allow this government to unilaterally give itself the power to control the province's universities," issued - by who? - the Liberal Party on September 27, 1993.

MR. JONSON: Mr. Speaker, it is my pleasure today to table copies of each of two documents related to important directions being undertaken in education. The first one is entitled Guide to Regionalization, which was developed to assist school boards in the process of regionalization. The second is entitled Response Guide for use in the Roles and Responsibilities in Education Consultation Process. Copies may be obtained through the offices of the Member for Lacombe-Stettler and the Member for Highwood. They are the chairpersons of the two implementation teams.

Thank you.

MS HANSON: Mr. Speaker, I'm pleased to table today copies of 11 letters that were sent to us from across the province protesting the education cuts.

MR. SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would table four copies of 193 letters addressed to the Premier and to the Minister of Health asking that the Grey Nuns remain as an active, full-service treatment hospital.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Calgary-East.

MR. AMERY: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to members of the Assembly 52 grade 6 students from Father Damien school in my constituency, Calgary-East. The students are accompanied today by their teachers Miss Broderick, Mr. Teske; teacher's aide Gale Bates; and parents Mr. Murphy, Mr. Oakley, Mrs. Baker, Mrs. Zacharias, Mrs. Lamirande, Mrs. Cromwell, Mrs. Deragon, Mr. Snyder, and Mrs. Mulgrew; and their bus drivers Bill and Ken. They're seated in the public gallery. I would ask them to rise and receive the warm welcome of the Assembly.

MR. DAY: Mr. Speaker, in the members' gallery today is a super group of students from the Pines community school in Red Deer. We're delighted to have them watching democracy in progress. They are accompanied by their teachers Sheila Spence and Robert Reed and by their parents Arlene Hicks, Brad Freer, Nancy Wilson, and Jean Hills. I would invite them to stand and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to introduce a former member who's in your gallery: Mr. Steve

Zarusky. Steve represented a large part of the area I now represent, and he did such a good job that I have hardly anything to do.

MRS. MIROSH: Mr. Speaker, following the member's introduction over there, I'd like to introduce with Steve Zarusky two very distinguished people from Kiev, Ukraine, who are here visiting and also studying tourism and travel with Mr. Zarusky, working with Alamo international travel. Mr. Zarusky is teaching them the ways of Alberta, and they'll take it back to Ukraine. I'd like to introduce Mr. Oleg Zelezko and Rostik Skrynnik. They're seated in the Speaker's gallery. Would you please rise and receive a warm welcome.

MR. SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. It's a great privilege for me today to introduce to you and through you members of the Kneehill Christian School from the Linden area inside my constituency. Accompanying them as their group leaders are Miss Terri Miller and Miss Phyllis Wiebe and as parents and helpers: Mr. and Mrs. Eldon Toews, Mr. and Mrs. Ron Isaac, and Mr. and Mrs. Gerald Wiebe. I would ask that they all rise and receive the warm welcome of the House.

MRS. ABDURAHMAN: Mr. Speaker, I'm very pleased to introduce to you and through you to the Assembly an exciting young lady who's working in the constituency office of Clover Bar-Fort Saskatchewan: Sam Sampert. I'd also ask you, please, to welcome Sam to the Assembly today.

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

DR. PERCY: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of the Legislature Charles and Martin Porter, owners of an Alberta company which went under because of the negligence of the Alberta government in the Paddle River dam scam. I would ask that they rise and receive the welcome of the House. They're seated in the members' gallery.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to members of the Assembly three of my constituents from Sherwood Park: Mr. Norman Law and his two bright children, Nathanael and Joanna. They're seated in the public gallery, and I'd ask that they rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

**1:50 Closure on School Act Amendments**

MR. DECORE: Mr. Speaker, Legislatures are supposed to be places where full debate takes place on issues that affect Albertans. Last night the government forced closure and limited debate on School Act amendments to just six hours. The original legislation was so badly crafted that eight pages of amendments had to be brought by the minister to clear up the mess. The opposition saw these amendments only a day ago. My questions are to the Minister of Education. Mr. Minister, tell Albertans, after you fumbled around for months on the School Act, why you

would force closure and limit debate on eight pages of your amendments to clean up your mess to only six hours.

MR. JONSON: Mr. Speaker, I'm really surprised about the hon. leader's concern about debate in this Assembly and particularly the amendments. As I recall his remarks last night, there was no reference that I could find or think of with respect to the amendments. So what do we need more time for? For his remarks? Nevertheless, I think it's important that we get on. We've had a great deal of debate about the amendments to the School Act, Bill 19. It is time to get on with the business of education in this province and start focusing, as we in the government certainly want to, on improving the quality of education, getting on with fiscal management, and serving the students of this province.

MR. DECORE: Mr. Minister, when elected public school trustees, elected Catholic school trustees, kindergarten groups, groups representing the learning disabled, and many, many other groups who want to have their concerns dealt with and reviewed and debated in this Assembly – why would you not allow that debate and that review for those groups of Albertans? Why not?

MR. JONSON: Mr. Speaker, there are major, positive changes in this legislation for the school boards of the province, and I don't know why the members across the way would want to hold it up. Full and equitable funding available to all students and all school boards in the province: why do they want to hold up this type of legislation?

MR. DECORE: Such positive change that the public school board . . .

MR. SPEAKER: Final supplemental.

MR. DECORE: Mr. Speaker, my last question to the minister is this. Why, Mr. Minister, would you now give notice of further closure, closure on third reading of the Bill, and thus jam this legislation at Albertans without a full and complete debate?

MR. JONSON: Mr. Speaker, the scheduling of the House is the property of the House, and I would ask the hon. House leader to comment with respect to that.

With respect to the overall initiative that is being taken here as far as education in this province is concerned, I certainly am not, as the hon. leader seems to be, one that would be advocating spending public dollars that are needed for the education system on needless court action, Mr. Speaker.

MR. SPEAKER: The hon. Government House Leader.

MR. DAY: Supplementing the information already given by the Minister of Education, it is true that this is the property of the House and therefore the Government House Leader in terms of adjournment. I will say that this Bill has been on the Order Paper since April 12, has seen over 60 different speakers addressing it – over 60 different speakers – many hours of debate. The debate is not over yet. It will go on for at least another two days, if not even longer. The leader opposite should consult with many of his members who last night came and talked to our members quietly and said how much they approved of the amendments. They approved of the amendments.

MR. DECORE: Mostly what we hear is fairyland from that hon. minister.

### School Taxes

MR. DECORE: My second question to the Minister of Education is this. The Minister of Education has regrettably fumbled all along in the dealings in his portfolio. He retreated on Catholic rights because he was wrong and he was told that he was wrong. On the financial side the minister first said that there would be no new taxes for education. Then he said that there would be an increase of 5 percent. Then he said that there would be some increase. Then he said that there would be no increase. Mr. Minister, now give us some certainty and tell Albertans that there will be no increase in the total amount of property taxes that Albertans will pay for education this year.

MR. JONSON: Well, Mr. Speaker, I would certainly give the hon. Leader of the Opposition credit for some creative phraseology. What I will confirm for about the fourth time for the hon. Leader of the Opposition is that this year, because we do not have access to lottery funds for funding the money needed for equity, we will be expecting from the growth in assessment, the real growth in assessment in this province to collect some \$30 million. Along with that growth and money from electrical power and pipeline and the school foundation program fund growth we will be planning on collecting \$30 million to provide the equity that was provided last year for the betterment of the students in the province.

MR. DECORE: Well, Mr. Minister, tell us, because of the certainty of the plan that you presented to Albertans in the fall, why you've gone all over the place on the map on this one: sometimes taxes will increase; sometimes taxes won't increase. Why couldn't you be certain on a simple question like that from the very beginning?

MR. JONSON: Mr. Speaker, from the very beginning we have indicated, first of all, that equity funding was very important to school boards in this province and, secondly, that we would be accessing the revenue that could be generated from the real property aspect of growth in the province and applying that to providing the \$30 million along with the electrical power and pipeline and the school foundation program levy increase for the betterment of education in the province.

MR. DECORE: Mr. Minister, tell Albertans after your three-year plan has been concluded what the ratio will be between moneys that are collected from education property tax and moneys that come from the general revenue fund.

MR. JONSON: Well, I'm really overjoyed, Mr. Speaker. For once he's asked a question that is specific and precise and has some meaning. The relative ratio between general revenue funding and local tax revenue for the coming year is 58 percent provincial, 42 percent local.

MR. HENRY: Give him a precise question and we get an answer that's not coming out of nowhere and ignores half the question, Mr. Speaker.

### School Act Amendments

MR. HENRY: Mr. Speaker, public school boards in this province told the minister sometime ago that they want to be

involved in the negotiations with the Catholic school boards. They want to work together with all the stakeholders to produce a better Bill 19. Instead, this minister fumbled his way merrily along and ignored the request even after the public boards told him that they may have to go to court to get what they deserve. It's déjà vu. We're here all over again. I'd like to know why the minister ignored this request when he knew full well that the courts would say that the public boards have the same constitutional rights that the separate boards do.

MR. JONSON: Mr. Speaker, first of all, I have met over the past number of weeks with many, many school boards in this province. Representatives of the Alberta School Boards Association, which represents all school boards in this province – in case there's any misunderstanding there – were present at meetings involving this constitutional question. I met with representatives of the Alberta School Boards Association separately on this particular issue. I understand their position. I also presented to them the view that what really is important here and something that they have long advocated is that we're providing for fair and equitable funding to all students in the province.

In terms of the reference to court action, I would like to come back, Mr. Speaker, to indicate that there is no need under such a fair direction in education funding for any court action, nor do I believe there are any grounds for it.

2:00

MR. HENRY: Mr. Speaker, what this minister has done is meet with each group . . .

MR. SPEAKER: Question.

MR. HENRY: I'd like to know why the minister simply doesn't have the closure motion withdrawn, bring all the stakeholders to the table at once, and work out an agreement that everybody agrees to and everybody can live with instead of ending up paying taxpayers' money in court costs down road. Why don't you just do that?

MR. JONSON: Mr. Speaker, I cannot help but reflect on the members opposite in the Liberal Party. For days they have been adamant and insightful in terms of saying that we have to do more for the constitutional rights of the Catholic school board, that we have to add on, that we have to do this. Now that we have achieved a very fair and equal balance which recognizes their specific constitutional rights, they're over on the other side jumping up and down about alleged prejudicial approaches as far as the public school boards are concerned. Neither position is valid. We have a focus here on students in this province through a fair and equitable funding system.

MR. HENRY: Mr. Speaker, from the very beginning we've been consistent . . .

MR. SPEAKER: Final supplemental.

MR. HENRY: Mr. Speaker, one more time. If the minister is so sure that he's on solid constitutional ground, why won't he simply table his legal opinions in this Legislature so Albertans can see if he's on as firm a ground as he first said he was with the Catholic system?

MR. JONSON: Mr. Speaker, in terms of legal opinions, this whole matter has been dealt with through debate on a motion for a return. As I was saying, now we're on to a great concern on the other side of the question with legal opinions and advocacy of legal action, and I really do think that it would be very beneficial, very productive if the hon. members opposite could for once come back to some questions and some debate on the thing that is really supposed to be important in education, which is certainly important from the government's point of view, and that is the directions that are being undertaken which are of benefit to the students of the province.

MR. SPEAKER: The hon. Member for Lethbridge-West.

#### Self-employment for Social Assistance Clients

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are for the Minister of Family and Social Services. As the restructuring in the North American economy continues, many people are finding themselves unemployed for the first time in their lives. Most of them would never have contemplated such a situation. In the '90s and beyond there is clearly a need for self-sufficiency, and this can include self-employment. To the minister: does the Ministry of Family and Social Services have a policy whereby social assistance recipients can receive an up-front lump sum payment in order to provide the means to start up their own business?

MR. CARDINAL: Mr. Speaker, at this time the answer is no. We don't have a direct program that would assist people on social assistance to go into businesses and start up businesses, but we do have processes in place that would assist people to access other programs that may be available that would assist them in starting up businesses. One of the major pilot projects, or in fact a number of them across the province now, is the colocation of services between my department, Advanced Education and Career Development, and also the federal human resources department, where we are co-ordinating services and making available to clientele who come into our office options of business opportunities and access to programs and inventory programs that may be out there that would assist these individuals. I would also like to indicate the supports for independence program, the reforms in that particular area have been very successful. We've managed to reduce the caseload considerably in that area. Now, the second phase and the third phase of that particular program may include a process that could assist individuals going to individual businesses.

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. Has the minister or his staff investigated any models from other jurisdictions in order to evaluate such a policy?

MR. CARDINAL: Mr. Speaker, going back as far as 1985, when I was an employee of the department, we had a number of pilot projects working in northern Alberta at the time, in relation to this question. At the time I had an opportunity in fact to tour, I believe it was five of the states during that period of time, specifically to look at different forms of workfare programs including opportunities for people on assistance to have access to resources to assist them to start up businesses. Since then, of course, I've had an opportunity to work with various organizations

across Alberta, small communities to look at ways of improving the delivery systems for individuals, and we'll continue doing that.

MR. SPEAKER: Final supplemental.

MR. DUNFORD: Thank you, Mr. Speaker. Would the minister be prepared to receive proposals on pilot projects from organizations such as the Lethbridge & District Business Development Centre?

MR. CARDINAL: Yes, Mr. Speaker. The plan of this department of course is the major welfare reforms that have been announced, a very successful plan I believe, and we are always open to innovative pilot projects that may be of interest to a specific area of Alberta. What we're trying to do here is not design one specific policy and one specific program for all of Alberta. Each project can be a very innovative design for that specific area and for those specific people that require that assistance. Therefore, yes, this minister will entertain any proposal that will assist people off welfare and back into the work force and to become independent.

MR. SPEAKER: The hon. Member for Sherwood Park.

#### Special Waste Treatment Centre

MR. COLLINGWOOD: Thank you, Mr. Speaker. Yesterday the Minister of Environmental Protection said that he wasn't willing to rip up the sweetheart deal with Bovar for the Swan Hills hazardous waste plant. What's interesting is that the original Swan Hills agreement called for a review of that agreement in 1992, and it gave the government the right to buy out Bovar at that time if the subsidy was too high and showed no signs of declining. Well, there was no review, and instead of going for the buyout, this minister negotiated the new agreement that potentially puts 400 million taxpayers' dollars at risk for subsidies to Bovar. My questions are to the Minister of Environmental Protection. Mr. Minister, why didn't the government buy out Bovar in 1992 when it had the chance instead of risking this 400 million taxpayers' dollars now in subsidies?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you, Mr. Speaker. Well, the hon. member across the way can't have it both ways. On the one hand he's arguing that this is a costly enterprise, and on the other he's saying: go and buy them out. We've got a joint venture agreement with Bovar that is a 60-40 partnership. Sixty percent is owned by Bovar. When we did renegotiate the contract last year, we put in a provision on the return on investment that we are paying to them, that after 1993, when this plant is making a profit, we'll collect back for those amounts that we are paying. So clearly it's one or the other. Either you want us to get out of it and turn it over to the private sector, which will not happen when it's losing money, or you continue to move along with a responsible contract, as we have, to get this company in a position of profitability.

MR. SPEAKER: Supplemental question.

**2:10**

MR. COLLINGWOOD: Thank you, Mr. Speaker. You use taxpayers' dollars to benefit Albertans, or you give it away in subsidies: one of the two.

My second question to the Minister of Environmental Protection: since the new agreement allows for the buyout where there's mutual consent between the parties, will you begin now a negotiation to do that, to buy out their interest now?

MR. EVANS: No, I won't, Mr. Speaker.

MR. SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It will just continue losing money.

My final supplemental to the minister. The \$400 million figure is if importation is not allowed into this province. How much are taxpayers at risk if importation is allowed into the province?

MR. EVANS: Well, Mr. Speaker, that's a totally hypothetical question. The company has come forward and said: we have the possibility of having some excess capacity. Clearly we have an Alberta-only position in this province. They're asking that it be changed to an Alberta-first position so that if there is any excess capacity, then they would have the opportunity to treat waste that is coming from other Canadian jurisdictions. Now, I don't know what the cost would be for that. I don't know what kind of volumes there would be, so it's very difficult for me to try to pinpoint what the amounts would be. Clearly, one of the things that I think would have to be considered would be a surcharge for the treatment of waste coming into this province. I think that is a logical thing to consider given that the facility itself was built in the province with a pretty substantial contribution and an ongoing contribution from Albertans. So I think a surcharge is something that might very well happen if the decision is made to allow the importation of waste into this province from elsewhere in Canada.

MR. SPEAKER: The hon. Member for Little Bow.

#### Agricultural Trade Dispute

MR. McFARLAND: Thank you, Mr. Speaker. My question today is to the Minister of Agriculture, Food and Rural Development, and I appreciate the personal circumstances. Despite trade harassment and transportation inefficiency Alberta farmers continue to expand production and increase returns derived from agricultural activities in this province year after year. They continue to do so despite trying situations such as American attempts to limit exports and an inefficient transportation car allotment system that takes away from farm gate returns. Would the minister be able to advise many of our constituents today whether there have been any recent attempts to resolve these pressing concerns?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Certainly a very timely question from the hon. Member for Little Bow. The question basically deals with something that's of great importance to the agricultural community in Alberta, because 63 percent of the agricultural products that we produce in Alberta indeed do leave the province. With the free trade agreement it's obviously an indication that trade agreements will enhance the opportunity to export product. The process has bogged down since the original GATT signing on December 15, '93. However, the chief negotiators, Weeks and Yerxa, are to be meeting today to discuss and see if some common ground can be established. It is hoped

that there can be some establishment of common ground through this meeting today, and that would later follow up with a meeting with the Hon. Roy MacLaren, for our part, and Espey, for the American part. I think the meeting is scheduled for the 24th and 25th of May. At that time it is hoped there will be some resolve come forward.

MR. SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. With respect to these meetings on the transportation issues, were there or are there any recommendations or conclusions reached that can be viewed as progress towards resolving these timely and questionable issues?

MR. PASZKOWSKI: Thank you, Mr. Speaker. This past Monday there was a meeting in Winnipeg with all the major stakeholders to discuss the issue of transportation, which of course has been an irritant as far as the Americans are concerned. At that time there was a list of 10 items that were identified as those that are key to restructuring the whole transportation process. It's unfortunate, though. There were some 19 stakeholders present. The most important stakeholder that plays the most important role in this, the producer, the farmer, was not able to participate in this process. So from that perspective we feel that the process was perhaps somewhat flawed. However, it is our understanding that there will be follow-up meetings with this.

MR. SPEAKER: Final supplemental.

MR. McFARLAND: Thank you. My final supplemental, Mr. Speaker: will there be any follow-up meetings or activities with our Alberta producers involved?

MR. PASZKOWSKI: Yes, there will be follow-up meetings. Now, the checklist that was established originally for discussion involved such things as: discourage backtracking from Thunder Bay, demurrage on railcars, establishment of a regime for sanctions, clear the backlog on the west coast, alternative ports. There were 10 such items that were identified. From that committee meeting that was held on Monday, smaller committees were established to deal with each one of those 10 issues. Those smaller committees are now to report back to the steering committee, to the group, within two weeks' time and deal with each one of these 10 specific issues in a manner that hopefully will help resolve the impasse.

MR. SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

#### **Child Welfare Contracts**

MS HANSON: Thank you. Mr. Speaker, the circumstances surrounding the awarding of the child welfare contract in Lac La Biche are unacceptable. Even more unacceptable is the minister's defence of the contract by insisting that it is a new pilot project when we know that the practice of in-home support has been in operation for the last few years in the northeast region. My questions are to the minister. Mr. Minister, how can you call this a pilot project when the northeast region has been using in-home support for a number of years and is even mentioned as having been implemented in your last annual report?

MR. CARDINAL: Mr. Speaker, I'd like to advise the hon. member, as I have before, that this is a two-year pilot project. In order for the member to understand – on one hand they question every day about privatization of services provided by my department: do not privatize. Now, they're asking questions to tender out contracts. Can't they make up their minds?

I have presently over 500 agency contracts under my department. I believe the reason my department continues to be involved in these particular contracts, Mr. Speaker, is to make sure that the high-priority needs of our clients are looked after the best way we can. That is why this particular project was let out the way it was. Now, is the hon. member suggesting that we tender out all the contracts? I can name them off: Boys' & Girls' Clubs of Edmonton, Bosco Homes. I can contract them if you want, but I do not believe that would be in the best interests of the taxpayer and the clientele out there.

MS HANSON: Mr. Minister, this is a \$4 million contract. It's not one to individuals.

Following that, why didn't you tender the Lac La Biche contract fairly and openly to the community rather than give it carte blanche to one of your preferred civil servants?

MR. CARDINAL: Mr. Speaker, all the civil servants that work for our government are preferred, high-quality employees. I'm offended when someone would say that our civil servants are not able to carry on contracts and jobs.

I'd like to ask the hon. member again, Mr. Speaker: are the members opposite interested for me to contract? Catholic Social Services, Native Counselling Services, Heritage Consulting, Lesser Slave Lake tribal council, Boys' & Girls' Clubs of Edmonton, Big Sisters of Edmonton, the Boyle Street Co-op: do we contract these services? There is a reason why we do not tender out programs from my department. This minister is always open to innovative ideas. If the hon. members opposite feel we should tender out these 500 contracts, then give me a specific breakdown of which of the 500 you want contracted, and I'll do it.

2:20

MR. SPEAKER: Final supplemental, hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. Mr. Minister, the list of agencies you read are nonprofit agencies.

My last question is: how many more contracts of this type have been let out across the province?

MR. CARDINAL: Mr. Speaker, I'd just like to explain again to this Assembly that this specific contract, which is a two-year pilot project, is based on hourly rates for providing services. In other words, if that individual in that particular region does not have any work, then there is no money involved. That is why that particular project is a pilot project.

I'd just like to advise the hon. member of the process that's in place as of today: any contracts that are greater than \$500,000, the deputy minister of my department will approve those, which means the deputy minister always consults with me, which means I will be involved in the future on those particular contracts; anything less than \$500,000, the regional director is involved in that; and anything under \$250,000, the district manager would be involved in that. In that particular category there are over 438 contracts at this time let out by the regional managers in those regions.

MR. SPEAKER: The hon. Member for Calgary-Currie.

### School Curriculum

MRS. BURGNER: Thank you, Mr. Speaker. The majority of our students and parents and teachers are extremely interested in education, and their focus is on what is best for the student. That is my focus also. Last evening at the Calgary board of education their education committee was reviewing some recommendations for locally developed courses, and I'm aware that there is duplication overlap in this area. My question is to the Minister of Education. Under the new Bill 19 will school boards be allowed to continue to develop their own curriculum?

MR. JONSON: Mr. Speaker, under the business plan of Alberta Education a high priority is placed on developing and maintaining a quality provincial curriculum and setting standards thereto, but, yes, the opportunity will still be there for school boards to develop and authorize local courses. They should balance the merit and the cost of doing so against resources being directed in other directions such as the school and the classroom.

MR. SPEAKER: Supplemental question.

MRS. BURGNER: Thank you, Mr. Speaker. Again to the Minister of Education: in the case of duplication of curriculum, whose program will take priority?

MR. JONSON: Well, first of all, Mr. Speaker, the provincial curriculum and standards are established. They will continue to be established and improved upon. This, I think, is very, very essential, because the government believes in a strong public education system in this province, and that's one of the primary characteristics of a public education system. In terms of duplication, I would hope that there would be no duplication or development of duplicate curriculums in the provincial program areas. I would have to say quite directly that the program and the standards of the province would take precedence in those areas where we have that core curriculum, that broad scope of courses leading to diploma requirements.

MR. SPEAKER: Final supplemental.

MRS. BURGNER: Yes. Thank you, Mr. Speaker. As the Calgary board of education has a larger curriculum department than the Alberta Education department, will that local school board be able to market their own curriculum either to other boards in the province, other national jurisdictions, or internationally?

MR. JONSON: Mr. Speaker, if I understand the question correctly, the Calgary board of education seems to be looking at ways of maintaining the current size and scope of its curriculum department. Possibly an area of keeping this going would be to market curricular materials. Yes, if a market could be found which would provide an income, certainly those curricular materials can be marketed.

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

### Private Health Services

MR. LANGEVIN: Thank you, Mr. Speaker. The federal government has indicated that private health clinics such as the

MRI clinics and the Gimbel eye clinics may be in contravention of the Canada Health Act by creating a two-tiered health system. The federal Health minister has stated that unless these practices are ended, transfer payments to this province may be reduced. At the same time that the feds are saying, "You shall not support or allow private health clinics to operate in your province," the provinces are forced to support the private Morgentaler abortion clinics. This seems like a double standard. My question is to the Minister of Health. Can the minister explain why we should be forced to fund the private Morgentaler abortion clinics and at the same time be asked not to have other private clinics in Alberta?

MRS. McCLELLAN: Mr. Speaker, the issue of private clinics has been discussed, particularly in the media, for some period of time now. Private clinics are allowed under the Canada Health Act, by our interpretation of the Canada Health Act. We do not have any information that would correct that. The abortion issue is a very complex one, but the Supreme Court has ruled twice that those procedures should be available to the public. Because of that ruling, Alberta will pay the professional fees in a private clinic for that procedure, and it is offered in the publicly funded system as well in Alberta.

MR. SPEAKER: Supplemental question.

MR. LANGEVIN: Yes. My supplemental question is: could the minister tell us how much money the province spent last year to fund the Gimbel eye clinic?

MRS. McCLELLAN: Mr. Speaker, I do not have that information at hand. I would be pleased to try to get an amount and relay that information to the member.

MR. LANGEVIN: Likewise, Madam Minister, can you tell us how much government funding was provided to the Morgentaler private abortion clinic last year?

MRS. McCLELLAN: Again, Mr. Speaker, I would be pleased to attempt to pull those figures out and to relay them to the hon. member.

MR. SPEAKER: The hon. Member for Calgary-Cross.

### Campground Firewood

MRS. FRITZ: Thank you, Mr. Speaker. This weekend is the traditional opening weekend for Alberta campgrounds, and thousands of Albertans will be taking their families camping. What they'll find is a new charge for firewood, and I understand from a constituent of mine that 1.3 cubic feet of firewood can cost up to \$5, which means that there's a potential for \$20 an evening for firewood. That is simply too expensive. My question is to the Minister of Environmental Protection. Can the minister tell me how many campgrounds are charging for firewood and the methods that will be used?

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you, Mr. Speaker. Indeed, we are starting camping season in Alberta this coming weekend. During the preparation of our three-year plan we analyzed the amount that the Department of Environmental Protection . . . [interjections]



2:30

MR. SPEAKER: Order please. Would the Provincial Treasurer and the hon. members for Edmonton-McClung and Calgary-North West please cease their conversation so that the hon. Minister of Environmental Protection can be heard.

The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I can only come to the conclusion that these hon. gentlemen are not campers.

In any event, Mr. Speaker, through our three-year business plan we came to the conclusion that with the \$1 million that we are currently putting into campgrounds for firewood, we could take a different approach. We looked at other jurisdictions that are charging for firewood. We came to the conclusion that of the 46- or 47-odd provincial parks campgrounds and recreation areas in the province where we have concessionaires, we'd give them an opportunity to sell wood, and in those other areas of the province at least for this year we would charge a surcharge.

Now, the reason for that is twofold. One, we want to keep this service going. It's important to have firewood available in our campgrounds. Secondly, we want to promote a responsible use of that firewood. Now, the hon. member has said that this would give fire for only a part of an evening. The 1.3 cubic feet of wood is expected to be a reasonable amount of wood for an evening's fire. Being a camper myself, I think that that is a reasonable amount of wood for an evening of sitting by the campfire.

MR. SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. I'm interested in how and when the minister is going to evaluate which is the most effective model.

MR. EVANS: That's an important question, Mr. Speaker. We have comments cards in all of our campgrounds that we have staff in, our provincial campgrounds, whether they're operated by the private sector or by our parks service. We also of course have an opportunity to pick up information with phone calls, interaction with staff. I camp as often as I can given my duties in this Assembly, and I'm going to take that information as well. I would ask the hon. Member for Calgary-Cross to do the same.

MR. SPEAKER: Final supplemental.

MRS. FRITZ: Thank you, Mr. Speaker. Given the potential high cost, are people going to be allowed to bring in their own firewood?

MR. EVANS: We certainly don't want to prohibit Albertans from bringing in their own firewood. What we do want to do, though, certainly, Mr. Speaker, is provide a service that is of value to Albertans who go into a campground: provide a good amount of wood at a reasonable cost. Now, in terms of bringing in wood, if campers want to do that, that's fine, but there are certain types of wood – the Dutch elm, of course; we're concerned about disease. One of the hon. members opposite who brought this up awhile back identified a problem. So we want to be very careful about what kind of wood goes into our campgrounds, but we're not excluding private wood coming in.

### Physiotherapy

MR. SAPERS: Mr. Speaker, apparently the Minister of Health has made some decisions about physiotherapy without even listening to what the therapists are telling her. Unbelievably, she plans on taking away fee for service without committing to direct access. My question for the Minister of Health: why can't physiotherapists have direct access and fee for service just like chiropractors?

MRS. McCLELLAN: Mr. Speaker, I'm sure all people in the media gallery are pleased that the hon. member reads the paper. However, the fact is that we have always said that we did not have a problem with direct access, but we had some questions that had to be answered. I have made this point in the House more than once in this session: that I had asked the association of physical therapists, the Independent Physical Therapists, and the College of Physical Therapists to review some matters for me and to bring those back for my information. They met, they did an intensive review, and as I indicated I believe yesterday, they provided me with that information last week. I will be reviewing that very carefully, and we will be dealing with this issue. Contrary to what the hon. member might want to assume, I have a very good working relationship with those three organizations. We meet on a regular basis to deal with that issue and others, and I believe that it is proceeding very satisfactorily.

MR. SPEAKER: Supplemental question.

MR. SAPERS: Thanks. The steady stream of physiotherapists who come to see me have told me all about your good relationship.

Will the minister confirm what part of the \$28 million that was spent on physio last year will be made available for physiotherapy in the years to come to support at least a minimal amount of insured physiotherapy services?

MRS. McCLELLAN: Mr. Speaker, I believe I also answered this question in the House. We are in the process of working with not only those three groups that I mentioned but all of the groups who are involved in therapy, whether it's audiology, speech therapy, or other groups, in developing a community rehabilitation plan. That is so that we have physical therapy services and those other therapies available to all people in this province in a very comprehensive way. We are very concerned that people have access to that program. We have identified also in this House that there are many ways that those are funded: through the hospital system, through long-term care, and through home care, as well as through our fee for service. We would be looking at taking those appropriate funds from those areas for the community rehabilitation program when it is developed.

MR. SAPERS: When the minister arbitrarily cuts off fee for service for physiotherapists and forces them into these multidisciplinary relationships, what are independent physiotherapists, who still have maybe three or four years left on their business leases, going to do to avoid bankruptcy?

MRS. McCLELLAN: Mr. Speaker, those and many other questions are questions that the group that are working on putting together a community rehabilitation plan will answer. What I have said is that obviously if all of the dollars from the fee for service plan flow into the community rehab plan, there would not be dollars in the insurance program. I would remind the hon.

members one more time that there are only four provinces in Canada that provide any fee for service for those disciplines. We value the physiotherapists' work in this province, and we show that by funding their work.

MR. SAPERS: Which ones?

MRS. McCLELLAN: They ask: which ones? Not one of them that I recollect is a Liberal province.

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

### Employment Outlook

MS CARLSON: Thank you, Mr. Speaker. Capital spending has taken a significant drop in all core industries in this province with the exception of oil and gas. Capital spending now means jobs tomorrow. To the minister without portfolio: consistent with your responsibilities, can you let us know how many jobs a 27 percent drop in manufacturing will cost Albertans?

MRS. MIROSH: Mr. Speaker, we've been working with the manufacturing association, dealing with them to assess the number of jobs. I would like to remind the hon. member that, as a matter of fact, just recently we met with the prairie manufacturers, and it's really quite amazing the number of jobs that are created in and around the province based on small manufacturing groups.

MS CARLSON: The question was: how many jobs is it going to cost, and what are you going to do about it?

MRS. MIROSH: Mr. Speaker, I haven't lost any jobs within my responsibilities. There are no jobs lost.

MS CARLSON: Well, chemical industries have dropped by 21 percent and even agriculture has dropped by 4.4 percent. What are you going to do about those jobs that are being lost there?

MRS. MIROSH: Well, Mr. Speaker, the minister of agriculture would probably like to supplement the answer, but I'd just like to remind the member opposite that 40,000 new jobs have been created in this province. Where have you been?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development wishes to supplement.

MR. PASZKOWSKI: Yes. When agriculture is mentioned, I think it's important to note that agriculture is also a seasonal type of employer and will continue to be a seasonal employer and that agriculture indeed is prospering in this province. The net realized income for agriculture is projected to be at a record high, an all-time high, and that's only achieved through the successes of the development of the industry, which ultimately employs more people as you continue through the processing of products that you produce in this province. So, indeed, though agriculture may have some seasonal dips, it is still the major employer of any industry in this province.

2:40

MR. SPEAKER: Order please. The time for question period has expired. Might there be unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed?

The hon. Member for Redwater.

head: **Introduction of Guests**  
(*reversion*)

MR. N. TAYLOR: Thank you, Mr. Speaker. It's my pleasure today while reminding the House of one of the last great air shows at Namao, which will be taking place this weekend - in our members' gallery is Capt. Zell of the Canadian Forces Base, and he has 15 members of the U.S. Air Force from Tinker Air Force Base in Oklahoma. I hasten to assure the minister of agriculture that it's not to try to stop any durum wheat exports. I'd ask them to stand and get the traditional warm welcome.

MR. SPEAKER: Before calling Orders of the Day, it's the understanding of the Chair that there's agreement in all corners of the House that the business will commence this afternoon with the continuation of the debate of the motion proposed under Standing Order 15(6). If that's agreed, we'll call Orders of the Day.

head: **Orders of the Day**

### Motions under Standing Order 15(6)

#### Referral of Question of Privilege to Committee

1. Moved by Mr. Decore:  
Be it resolved that the allegation of breach of privilege made by the Deputy Premier and the minister of transportation against the hon. Leader of the Official Opposition on May 4, 1994, be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing, hereinafter referred to as the committee, and that adequate financial and human resources be provided to that committee so that the hon. member against whom the allegations have been made can call witnesses, cross-examine witnesses, require the administration of oath thereto, and provide for appropriate legal counsel for the hearing, and further that the committee determine such further rules and procedures to ensure that the member is not deprived of "the safeguards and privileges which every man enjoys in any court of the land," and further that the matters to be referred to the committee shall be the following.
  - (a) On May 4, 1994, did the hon. Leader of the Official Opposition breach the privilege of the Deputy Premier by stating the following: "Mr. Speaker, the Paddle River scam has disclosed that two ministers, that one and that one, interfered with contract awarding, interfered with the regular process of awarding contracts"?
  - (b) On May 4, 1994, did the hon. Leader of the Official Opposition breach the privilege of the minister of transportation by stating the following: "Mr. Speaker, the Paddle River scam has disclosed that two ministers, that one and that one, interfered with contract awarding, interfered with the regular process of awarding contracts"?

Moved by Mr. Day that the motion be amended by deleting all the words after "Be it resolved that the" and inserting the following: prima facie case of privilege which was found to exist when the Chair of the Legislative Assembly made its

ruling on Wednesday, May 11, 1994, be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing.

[Adjourned debate May 12: Mr. Day]

MR. DAY: Mr. Speaker, to continue on for a few moments. We have a situation before us that is very serious in nature. Whenever a member, in this case two members, has raised a point of privilege which in essence is saying that their ability to operate has been impaired somewhat by comments made by another member, that is a serious matter. It doesn't affect just members of one party. In fact, it affects members of the whole House, and it affects how they are seen by the public and the perception that's created in the climate in which they want to work.

There is properly allowed for provision within Standing Orders and certainly within *Beauchesne* and within parliamentary procedure and precedent for people to address that. To be honest, as we always are, the point is that it is not just frustrating or aggravating, but in fact it's demeaning and demoralizing when a person is attacked on other than the issues at hand. It's one thing to verbally attack and debate on the merits of an issue and do everything a person can to show that a particular initiative may not be something that's workable or a particular Bill or legislation may not be something that's worthy of contemplation or the direction of a government, as a matter of fact, may not be something that should be inflicted on people. Those are the types of things that I believe in the parliamentary setting are fair play, and members who are opposed to any of those items that I just mentioned, with all the vigour they have and with all the intensity they have and with all the integrity they have, go after those issues. That's fair game, and in fact in a democratic society that is indeed the way it should be. That's the purpose of an opposition, and in fact it's the purpose of all members of the House. Even if an opposition party raises an issue that other members feel is lacking in some way, then it should be open season, if I can use those words, on those types of initiatives and for those reasons and for that purpose.

The difficulty arises when there is more added to the debate, more than just the merits and the issues and what's been happening in general, and that happens actually on a regular basis. Rather than appear that what I'm going to talk about is something that I myself would never do, I want to include myself, obviously, in the focus of these comments. That is the practice when raising an issue or asking a question; there are innuendo that are either filtered through or prefaced in the question, innuendo that go far beyond the merits, the issue, or even the practice. In fact, where the attempt is made to undermine and discredit on a personal level, then I feel the debate and the purpose of the debate has been lost, and the debate itself moves to a new low. It's something that all of us are prone to do, and I include myself in that. Even though I myself do it from time to time, it doesn't make it right, and I must as an individual work to not allow that to happen.

So when I'm going after, for instance, a member opposite, I wouldn't start a question or preface it by putting a suggestion out there that perhaps has no basis in fact or even in some cases has some basis but has nothing to do with the issue, and the only intent is to demean and to undermine. We've talked about this issue, and it's the classic case of asking the question – and you know it will be public – to any member: do you beat your spouse? The very asking of the question knowing that the question itself will be reported, knowing that it goes out into the media and therefore into the public arena, automatically puts in the mind of the public some reservation about that member to

whom the question is being asked. It's a deliberate attempt to demean, to demoralize, and in the eyes of that person's constituents or in the eyes of the public to make it therefore more difficult for them to operate and conduct their duties as they need to do. That's why I believe you . . .

#### Point of Order Relevance

MR. SPEAKER: The hon. Member for Redwater rising on a point of order.

MR. N. TAYLOR: My point of order under section 136 of *Beauchesne* is relevancy. The member's making a very eloquent case if he were a counsel for the committee, but this is an amendment where we're talking about whether or not the part where you're allowed to call witnesses and cross-examine should be allowed to be part of the motion. He's off trying the case, Mr. Speaker. I don't think it's relevant at all. I'd like to see him focus on why the amendment that that member has put forward to remove the right to call witnesses or to cross-examine should not be in there. That's what's at issue here.

MR. DAY: It's on the point of order, Mr. Speaker. First, I'd hoped that given the serious nature of this debate we could avoid what tactic we often, anyone of us, get into, which is the raising of points of order to try and deflect the motion and the direction.

On the point of order. Clearly, Mr. Speaker, the member opposite is getting into the very area which your own ruling has said that the committee should not get into. So he is off the point. I am directly on the point. I am addressing the issue of privilege and why this amendment has been introduced. So that's speaking to the point of order for your consideration.

MR. SPEAKER: Well, I don't know what reference the hon. Member for Redwater was looking at, but *Beauchesne* 136 refers to the Mace.

MR. N. TAYLOR: It's the page.

MR. SPEAKER: Oh, sorry. Normally we refer to *Beauchesne* . . .

MR. N. TAYLOR: I'm sorry; 459.

MR. SPEAKER: Well, anyway the question is relevancy, and perhaps hon. members might be having some difficulty because the hon. Government House Leader did commence his remarks last week and spent 10 minutes introducing his remarks. Probably that's why hon. members feel that this maybe is not flowing as freely as if they had his introductory remarks in mind concerning his feelings about this amendment that he's proposing to the motion by the hon. Leader of the Opposition.

#### 2:50

MR. DAY: Thank you, Mr. Speaker, and forgive me on the point of order for not addressing the Mace. I'll give that some consideration for a later attempt. It shows what I was saying. I was hoping that in this particular debate we would confine ourselves to the serious nature of this and not stand and pick numbers out of the air and just fire away at anything in general.

#### Debate Continued

MR. DAY: So, Mr. Speaker, when I consider what your ruling has been, the very clear ruling, we need to remember what we've

done here as an Assembly. As the rules and precedent are, we have asked for you to rule, for you in fact to be the referee on whether it appears as if there is or has been a prima facie case of privilege found to exist. We have asked for your ruling on that.

When we elect a Speaker, we do that recognizing that there will be some rulings we like and there will be some rulings we don't like. There will be times we'll bring forward a point and you'll overrule it, and there will be other times when in fact you support it. That's what life in the Legislature is all about. We've asked you to be the referee. Sometimes we don't like the call, but in fact we don't challenge the Chair on that. We can ask for explanations, and that has been done.

A very thorough explanation has been given by yourself in terms of instruction and your sense of a prima facie case of privilege and the procedure which that should then follow. Therefore, according to the rules of the Assembly, whether we like them or not – we can change them; not now, but we can change them in the future – these are the rules. You have come out with the guidance to the committee, and I just don't think it could be any more clear than you've stated. It doesn't allow for the restructuring in this Assembly of the entire court case with all the incumbent costs and delays and everything else. It would be months and months and months calling the witnesses that the member opposite wants to call. It would be an extremely protracted process, and I'm wondering out loud if that extremely protracted process hasn't been introduced for the very purpose of delaying this so that in fact the Assembly wouldn't be able to have time and the committee wouldn't be able to have time to draw this matter to a conclusion.

You have clearly, Mr. Speaker, set out the guidelines. We as an Assembly need to follow those guidelines. Again we may not like them, but we need to follow the guidelines you've laid out, and that's why the words after the words "Be it resolved that the" have been suggested by my amendment to be deleted and these other words inserted, "prima facie case of privilege which was found to exist," not alleged but the

prima facie case of privilege which was found to exist when the Chair of the Legislative Assembly made its ruling on Wednesday, May 11, 1994, be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing.

I think my time is about up, Mr. Speaker, and I would ask the members of the Assembly as we debate this to remember the very serious nature of privilege and also the fact that the elected referee in this Assembly has laid out the guidelines. We've asked for an explanation. We've received an explanation. Let's get on with it and do it within the confines of the laws and precedent of this Assembly.

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

MR. CHADI: Thank you very much, Mr. Speaker. I am rising today to speak against this amendment. I was appalled to hear the Government House Leader go on and speak about the referee. I suppose he's referring to you, Mr. Speaker, and that you have made a ruling and that you are the one that is going to set the guidelines and that you will do many things. It is my understanding that you are the person that would suggest that indeed there is on the face of the matter a case of privilege and that it should be sent to the standing Committee on Privileges and Elections. Well, that is your job and you have done your job. That is as far as it goes. The referee part is not your job any longer. The part now that has to be concerned with this motion, if it does go, would be the Standing Committee on Privileges and Elections, Standing

Orders and Printing. The hon. Government House Leader goes on and on. I think he doesn't quite understand just what it is that we're dealing with here, and perhaps he ought to get some legal advice as to what it is that he's up against.

I speak against this amendment, Mr. Speaker, because it alters dramatically the motion that was moved by the Leader of the Opposition, the Member for Edmonton-Glengarry. The basic presumption of innocence until proven guilty becomes a joke, and the motion is quite clear as presented. The motion says

that adequate financial and human resources be provided to that committee so that the hon. member against whom the allegations have been made can call witnesses, cross-examine witnesses, require the administration of oath thereto, and provide for appropriate legal counsel for the hearing, and further that the committee determine such further rules and procedures to ensure that the member is not deprived of "the safeguards and privileges which every man enjoys in any court of the land."

Now, what's wrong with that? How can anyone argue against that?

Mr. Speaker, this amendment denies – denies – the Leader of the Opposition, the Member for Edmonton-Glengarry, that fundamental right to prove his innocence by denying him the right to call these witnesses under oath. That's what this amendment is saying: you have no right; we're not giving you that right. If it was giving him the right, quite clearly the Government House Leader wouldn't have proposed this amendment. It's unbelievable that in the democratic country that we live in the ruling party would want to cover up. It's unbelievable that they would want to cover up the truth by not allowing an accused to present his case, allowing an accused to prove their innocence. The Government House Leader in moving this amendment made that clear, because in the suggestion that there was a prima facie case, he goes on and on talking about your ruling as though the hon. Member for Edmonton-Glengarry has been already found guilty of breach of privilege. That's the suggestion that comes out of what he is saying.

In the ruling, Mr. Speaker, that you've made – I just want to touch on that – there were comments made that have got me just a little bit surprised. Your ruling went on to say that

the Chair should make it clear that the truth of the allegations of wrongdoing by members is not beyond the ability of the Assembly to examine as a possible question of privilege.

Well, in that somewhat convoluted sentence I take it to be that the truth does not matter in considering a matter of privilege.

AN HON. MEMBER: It's very frightening.

MR. CHADI: It is. It's absolutely frightening to believe that that is in fact the case, if that is the law of the land, if it's the law of this Assembly that the truth doesn't matter. I'll give you a hypothetical situation here. Let's assume hypothetically that the Minister of Labour, the Government House Leader, for some reason has breached a blind trust, for example, and one member on this side of the House were to expose that sort of situation. Well, let's assume that the Government House Leader profited illegally as a result, Mr. Speaker. Well, I can tell you that if one member, any member, were to prove that and provide those facts and still be held accountable by some court of this Legislature for telling the truth, I can't imagine for the life of me how we can consider going on. I mean, it's stifling. It stops, it disables anybody to tell the truth in this Legislature if in fact anyone can

get up and say: "There's a breach of privilege here, because you've told the truth. You've said something that in fact is the truth."

Mr. Speaker, the case that's before us was backed by facts, documents from the courts of the province of Alberta that found this government – now, they never came out and said which member of the government was fraudulent, which member of the government was deceitful, which one was negligent. They just said the government. It wasn't the court's job to decide who it was that was the guilty person. They found the government, and the government must pay. That is what the Court of Queen's Bench found.

3:00

What the Member for Edmonton-Glengarry was trying to do is find out who in the government is responsible. Mr. Speaker, that's the root of the question that was asked by the member. We want to know who it was that was involved. We found who was involved. Now, you can't run from the truth any longer, not one of you, not even the Provincial Treasurer that continues to scream and heckle. He has probably run from the truth so many times he knows exactly what to do about it. But you can't do it anymore. The buck is going to stop here. There's a whole new opposition on this side of the House.

The real issue here that's before us today should be whether the Leader of the Opposition was telling the truth. That should be the real issue and nothing more. If the statements made by the Leader of the Opposition were backed up by documents, court documents as he did, then by golly, what we ought to do is . . . [interjection] Yeah, exactly; we ought to give him a medal for it. Furthermore, Mr. Speaker, if those statements made by him and backed by facts were in fact that, yes, he was telling the truth, then I would say that we should defeat this amendment now. I encourage all members of the Assembly to defeat this amendment, and let's get on with the motion at hand and get on with the court that lies before us.

Thank you.

MR. SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. THURBER: Thank you, Mr. Speaker. We've sat in this House for a number of days now and listened to a lot of allegations and attempts and accusations. The opposition has tried to retry a Court of Queen's Bench decision in this House by various means. Finally, the Leader of the Opposition made some accusations on which he was called. It was very clear in your ruling, in your opinion that this would not be proper: "it would not be in order for the Assembly to constitute itself a court of appeal with respect to [that] decision." It follows that:

matters dealt with by that court are not relevant as to whether or not the words constituted an improper obstruction to the member . . . in performing his . . . parliamentary work.

It relates strictly to the statements made by the Member for Edmonton-Glengarry.

While I accept and I stand by his right to a fair hearing in any situation on this, Mr. Speaker, the function of this committee I think is something that we have to look at very seriously. It is not a joke, as the hon. member mentioned over there. There is nothing funny about it. You can make all kinds of allegations in this House, but at some point in time you have to either put up or shut up or prove it, and that's what this has come down to. When this is referred to that committee, they are to deal only with those allegations made by the hon. Leader of the Opposition and those

only. We don't need to talk about people that went broke in the Paddle River dam contracts. We don't need to talk about the weather that was there or allegations which he has made against two ministers of this government.

This committee will listen to arguments and debates, as I understand it, on whether that statement made by Edmonton-Glengarry in fact deteriorates the ability of the House to function by diminishing the respect due to it. I've listened to the arguments here for many days, Mr. Speaker, and I in fact believe that it deteriorates the respect of this House, the comments that have been flowing back and forth here. My understanding is that that committee brings recommendations back to this House. This House then follows up on their recommendations and determines what is supposed to be done at that time. The standing Committee on Privileges and Elections, I believe the last time it met was probably seven or eight years ago, maybe a little longer than that, and the ruling was not finalized on that. It was a little hard to understand. I would hope at this point in time that if there's a ruling by that committee, it will be very clear that there has been a privilege case and that they have to deal with that.

Mr. Speaker, we've talked many times here in the House about the different ways that contracts are let by the department of transportation, and by the Department of Public Works, Supply and Services. I've seen comments in different papers respecting the methods used by other provinces in doing the same thing that we're doing here. We have policies in both public works and transportation to tender nearly all of the work that is done. We try and do that in a very straightforward way. It's advertised in the papers, although I know that the Liberals don't read them except to see what their comments are. These are advertised in a very straightforward way. In the cases of washouts and emergencies and specialized services and specialized expertise, bids are received either by phone or you check to see who can do it on an emergency basis to get the job done in the best manner possible for the people of Alberta.

Mr. Speaker, I think it's abundantly clear that we have to pass the amendment to get the whole process, I might add, back on track to where it should be according to your ruling. I do not question your ruling. The only things in question here, Mr. Speaker, are the statements made by the hon. Member for Edmonton-Glengarry. It is not the resurrection of the Paddle River dam that has been referred to the Justice minister of Saskatchewan to give an impartial viewpoint on. The Court of Queen's Bench has made a ruling, and this is referred for further review. I don't know how in your wildest dreams you could think that you have to retry the whole Paddle River dam to prove the truth of your allegations one way or the other.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Roper rising on a point of order?

MR. CHADI: No, that's fine. Thank you.

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

DR. PERCY: Thank you, Mr. Speaker. The question of privilege is one of the most important topics that can come before this Legislature. When the issue is raised, it must be dealt with fairly, expeditiously, and above all with regard to natural justice for all of the individuals involved in the dispute. It has to be dealt with according to natural justice.

I speak against the amendment introduced by the Government House Leader and do so on two grounds. First and with respect, from the perspective of the Committee on Privileges and Elections that will assess the breach of privilege, the truth of the Leader of the Opposition's statement is important. As the hon. Member for Calgary-*Buffalo* argued last week, Mr. Speaker, upon your finding of a prima facie case of breach of privilege, you are functus. You no longer have responsibility for this matter, and it now proceeds to the committee. Now, it is important for the committee in assessing whether privilege has been breached that it deal with the issue of truth, veracity. Every member in this Legislature should be able to stand up here, speak the truth without fear of the consequences. If, in fact, the press gallery draws inferences from that truth, so be it. If, in fact, the reputation of a member is perceived to be damaged from truth, so be it. It is the role of this Legislature to deal with issues of truth. What must go to that committee, then, is the issue of the veracity of the leader's statements.

I would argue that the material tabled in this House – documents with the hon. Deputy Premier's signature about a 75-25 split, documents tabled with notations saying who gets what – are evidence, then, of interference and must be dealt with by that committee when assessing the issue of whether or not privilege has been breached. You cannot have a chill on truth. There is no Conrad Black here to slap libel suits. Right? The whole issue here, Mr. Speaker, is one of truth. So it is with respect that I question your statement, and it is with deep respect that I question your statement that the truth does not matter.

#### **Speaker's Ruling Questioning Speaker's Ruling**

MR. SPEAKER: The hon. member can question anything he likes, but as the hon. member mentioned, it's rather fruitless or bootless for him to be doing that now, because he has already pointed out that the Chair is functus in this matter, and the matter has resulted in a motion to refer the whole question to the standing Committee on Privileges and Elections. So unless the hon. member just wishes to get something off his chest, it's not really relevant what the hon. member feels about the ruling. This has resulted in a motion that's now subject to amendment, and that's what the hon. member should be addressing his remarks to.

**3:10**

DR. PERCY: I thank you, Mr. Speaker, because I would like to draw two inferences from your most recent statement. You have agreed, then, that you are functus. You have agreed, then, that your strictures to the committee are not binding. That is what I take from your statement, that in fact they are not binding and in fact the committee can start afresh and deal with the issue of truth.

MR. SPEAKER: To enable this matter to come to a reasonable conclusion within a reasonable period of time, there was only one thing that the Chair said, and that was a prima facie case of privilege. I don't know if the hon. member happened to be away or didn't hear the hon. Member for Calgary-*Buffalo* when he was trying to debate this in question period. The Chair said that some of the comments made by the Chair in that ruling were obiter dicta, not necessary to the main thing. The main thrust of it was that there was a prima facie case of privilege and that it was open to any member of the House to make a motion with regard to that finding.

DR. PERCY: Thank you, Mr. Speaker. Then I would just again draw an additional inference from your comments for the edification of the hon. House leader, who in fact in your presence argued that your finding constrained the Committee on Privileges and Elections. You have stated that that is not so, and for that I thank you very much.

#### **Point of Order Clarification**

MR. DAY: A point of order.

MR. SPEAKER: The hon. Government House Leader rising on a point of order.

MR. DAY: Under previous rulings in the Assembly it's been ruled that if people want to speak in a different language, that's up to them. Other members aren't guaranteed a translation, but for the literally legally illiterate among us, of whom I am one, could we get a definition of the word "functus"?

MR. SPEAKER: That means that the role of the person is finished.

MR. DAY: Thank you.

DR. PERCY: Again, Mr. Speaker, for the edification of the hon. House leader it means you are without responsibility in this matter. If you had listened last week, you would have understood.

#### **Debate Continued**

DR. PERCY: So we have agreed, then, that when the Committee on Privileges and Elections meets, truth is an issue, and in fact the veracity of the statements is to be dealt with. Therefore, when addressing this motion, it is most important that the Leader of the Opposition be able to call witnesses, to call those witnesses under oath, to in fact get at the issue: was there interference with the contracts? I think the evidence that has been tabled in the House provides a prima facie case of interference. That is the issue that must be dealt with, then, when this goes to the Committee on Privileges and Elections. If the committee finds that there has in fact been interference, then there is no longer any case of breach of privilege. So when that committee meets, it needs the tools of a court to get at the truth. Was there interference in these contracts? Are the documents that have been tabled by the opposition in fact correct? Do they lead, then, to the inference of interference? That will be the issue, Mr. Speaker, that will be addressed when that committee meets.

The second issue, Mr. Speaker, is that I think this amendment leaves in question the rights and in fact the very issue of natural justice to be accorded to the Leader of the Opposition. The Premier – again, the Premier – has misrepresented the findings of the Speaker that a prima facie case for breach of privilege of the two ministers has been established. The Premier has asserted – alleged, asserted – that the Leader of the Opposition has been found guilty of breaching the privilege of the two members. That is not true. That is a mistruth. The Deputy Premier has alleged that the sole task of the committee is simply to determine punishment, that guilt has been established. That is not so. That, too, is a gross misrepresentation of the truth. So we have both the Premier and the Deputy Premier asserting that in fact the Leader of the Opposition has been found guilty.

The committee itself is composed – the majority come from the government party. What are they going to do? Are they going to fly in the face of both the Premier and the Deputy Premier in their allegations that the Leader of the Opposition is guilty? The Premier and the Deputy Premier have cast into doubt the very impartiality of that Committee on Privileges and Elections by their statements in the press. We've also read that the Tory caucus has debated what the punishment should be. That again flies in the face of your statements about refraining from debate on this. Mr. Speaker, what do we have? We have the Premier, we've got the Deputy Premier, we have the caucus already having decided that the Leader of the Opposition is guilty. That is not natural justice.

#### **Point of Order Imputing Motives**

MR. SPEAKER: The hon. Member for Calgary-Shaw rising on a point of order.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. "Imputes false or unavowed motives to another member," 23(i). I happen to be a member of the committee which may or may not be examining this issue. I don't recall either myself or a number of the other members of that committee making any comments which would lead to the statements from the hon. member opposite. Certainly I can speak for myself in that regard, and I would like to have that statement withdrawn. [interjections]

MR. SPEAKER: Order please. The Chair does feel that the hon. Member for Edmonton-Whitemud is becoming rather enthusiastic in his comments, and he might reconsider some of the implications of the words that he said.

DR. PERCY: Thank you, Mr. Speaker. I regret that he has drawn that inference, and I withdraw the comment.

However, let me just state again: the Premier and the Deputy Premier have stated in the press that the Leader of the Opposition is guilty of breaching privilege. They have misrepresented your findings that a prima facie case exists. [interjections]

MR. SPEAKER: Order. Order please. That's a matter of debate, whether those members are misrepresenting someone. Somebody else will no doubt rise and say, "No, they're not misrepresenting, because I believe this, that, or the other thing." It would be unparliamentary for you to say that they are falsely misrepresenting the thing, but it is valid for you to say that in your opinion they're misrepresenting. Others may have other opinions.

#### **Debate Continued**

DR. PERCY: Thank you, Mr. Speaker. I would state, then, that they have misrepresented the finding of a prima facie case of breach of privilege and have asserted that in fact there is therefore guilt. It is in fact the role of the committee to assess whether or not a breach of privilege has occurred and, if so, then to determine the penalty. In order for the committee to do that in an appropriate fashion, it needs first to assess the truth of the hon. Leader of the Opposition's statements.

With regards, then, to the amendment in question, that is why in light of the comments of the Premier and the Deputy Premier and with respect for natural justice for all parties involved the Leader of the Opposition should have the ability to subpoena, the Leader of the Opposition should have the ability to call witnesses upon oath, and the Leader of the Opposition should have the

ability to cross-examine to ascertain whether or not there was interference in the distribution and award of work on the Paddle River dam. That is the issue at stake here, Mr. Speaker. So I am strongly against the amendment as proposed and urge all hon. members in this House to vote against it.

MR. SPEAKER: The hon. Member for Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. I want to rise and . . .

#### **Point of Order Clarification**

MR. SPEAKER: Order please. The hon. Member for Redwater rising on a point of order.

MR. N. TAYLOR: I think you could help, Mr. Speaker, on this. I think the hon. member is a member of the committee that this is going to be referred to. Am I wrong on that?

SOME HON. MEMBERS: Wrong again, Nick.

#### **Debate Continued**

MR. SPEAKER: The hon. Member for Lethbridge-West.

MR. BRACKO: The free vote boy.

MR. DUNFORD: Yeah, that's right. You let me down again yesterday, you know. Get that on the record again. I want to thank the Member for St. Albert for allowing me to get that in.

**3:20**

MR. N. TAYLOR: He's like Samson: if he loses his hair, he loses his voice.

MR. DUNFORD: Well, my voice is pretty good.

I wanted to perhaps try and bring a layman's point of view to this. I've sat and listened to the speakers, first from Edmonton-Roper and then Edmonton-Whitemud, who I believe have enjoyed the same length of stay in the House as I have, but they appeared very articulate and waxed eloquent on this particular area. Neither one of them is a lawyer, so all I can assume is that both of them have much more experience in court than what I have.

I heard things like *functus*. I don't know whether I heard *ipso facto*, *hesto presto*, or whatever it was. I don't understand any of that, but what I do understand is how uncomfortable I am to have to sit through each question period. As a rookie I wondered in the early stages of this if this was just something that I was going to have to attune myself to. I believe that what we've seen in this House is a gradual escalation of what people are in their questions and in their preambles attempting to get away with. It just doesn't seem right. Again, because of my lack of experience, I was wondering: like, where is the line? You know, there has to be a line somewhere between what is proper in this House and, of course, what is not proper. Well, we seem to have arrived at a spot where the line was drawn, and the hon. Member for Edmonton-Glengarry has apparently crossed it. I think that is fair. I think there is an opportunity then for this House to deal with that.

There's a lot of rhetoric about what has gone on with Paddle River, and I don't pretend to understand all of that. All I know is that there was a case. I also understand that in terms of that case, the thing has been turned over to an Attorney General in Saskatchewan to review it, and that is an independent review. So

it seems to me, then, that what we're here to discuss and why I'm agreeing with the amendment are really the three points in the privilege resolution from the Speaker: "the impact of the statement on the member's and the House's status in the eyes of the public"; second, "the issue of privilege must be approached with great precision"; and "the Assembly [has the ability] to examine as a possible question of privilege."

Now, why I would want to focus on the precision aspect of it is that I have noticed what happens in this House when the TV cameras are on during question period. Today was no different. When the cameras are going, the rhetoric increases, the hyperbole increases, and the gestures increase. All I could suggest to you, Mr. Speaker, is that if the motion were to go through, then we would have all of the lawyers on that side trying to play Perry Mason, and it would just be a debacle of what we're trying to do here.

It's therefore consistent, I believe, with your privilege ruling that it is the amendment that should be adopted. The Standing Committee on Privileges and Elections, Standing Orders and Printing has, to my understanding, been provided for in this Legislative Assembly. The standing committee is an all-party committee. It has a mandate. The chairman, the vice-chairman, and all of the members are capable of fulfilling their mandate, again in my opinion. So I believe that we should adopt this amendment and let the standing committee get on with its task.

With that, I would urge all members of the Assembly to vote for the adoption of the amendment.

**MR. SPEAKER:** The hon. Member for Edmonton-Gold Bar.

**MRS. HEWES:** Thank you, Mr. Speaker. I rise to speak against the amendment made by the hon. Government House Leader. It has, in my view, the effect of making a negative of the motion from the hon. Leader of the Opposition.

Mr. Speaker, there have been many questions raised about the Paddle River dam project over the last two months. The answers that have been given in this House are unsatisfactory to this caucus, and they're unsatisfactory to the public at large. The government has made a reference to the Attorney General of the province of Saskatchewan. For the Member for Lethbridge-West I would note that the reference is very narrow. I have a copy of it. If he's interested in seeing it, I'd be glad to share that with him. It's a very narrow reference. There's no question that this government has been found guilty of civil fraud, and the reference is to determine whether or not there is some reason to pursue criminal fraud.

Mr. Speaker, there has never been any action on the part of the government to acknowledge their errors or their guilt or to deal with the personnel responsible. There is no question that this is a very serious, serious matter. It's a serious business when we have a question of privilege. I draw again to your attention the nature of the judgment and the situation that drove that court case. The Opron case was determined by the courts and the provincial government found guilty. The public understanding that has been yielded from that information that was revealed in the court case indicates that information that the government had was either withheld or incorrect and given to businesspeople, that payments were arbitrarily changed by the government, and that members of the government used their office to influence where and how and to whom work was allocated.

Mr. Speaker, I'm fascinated by the Premier's frequent references to comments made by the judge. He calls them comments

as though they were just little asides that the judge made. However, I would draw again to your attention that in the letter of reference to the Attorney General in Saskatchewan, item B is reasons for the judgment of the hon. Mr. Justice J.B. Feehan. It's clear that while the Premier refers to them as simply comments, in the official documents it is in fact a judgment of the court.

Mr. Speaker, the determination of that court was described in terms of fraud, deceit, negligence. This is a serious indictment of the action of the government and its personnel. There is a need here, I submit, for speed. As we probe further into the matter, it's urgent that the matter of privilege be dealt with quickly and openly with all possible information and facts. This is why this amendment is simply unacceptable. It's an attempt to stifle the facts coming out.

Mr. Speaker, for the information of members, I understand that the last time the privileges committee sat was in l'affaire Piquette. In that matter witnesses were called and called under oath. It was an open hearing. There was an open opportunity for cross-examination. This is how it was done, and this is how it should be done.

**3:30**

Mr. Speaker, we're talking here about truth and trust and the importance of a process that will determine truth and will establish trust. I suggest to you, sir, that it was the responsibility of the Leader of the Opposition to bring this forward. It was incumbent on him to raise the matter in the House. If he had done less, he would be negligent in his duty to report and question interference. The responsibility of all of us now is to determine the truth and to re-establish the trust if possible. This intervention was not made lightly, not made whimsically. It was not a casual observation. It was made after weeks of questioning with unsatisfactory answers.

Mr. Speaker, your decision is an interesting one to me and your quotes from Abraham and Hawtrey and Maingot of particular interest.

The conduct of a Member in his capacity . . . need not be true, but it must tend to lower the House in the eyes of the public.

Further, from Maingot: the truth of the statement is not at issue; the issue is the impact of the statement on the member's and the House's status in the eyes of the public.

I find it puzzling because I believe that to determine the truth is the very essence, the very heart of this matter, and it's what we simply must do. The express, the fundamental reason that this has to go to the committee with adequate direction in the terms of reference to call witnesses is to seek the truth. It's a matter of natural justice, as the Member for Edmonton-Whitemud has indicated. Only in this way can we be sure that the full facts that are germane to this situation will be uncovered. Are the statements true? If so, privilege was not breached.

The Premier's statement – it has been quoted here – I believe to be prejudicial to the fairness of this situation. The Premier has now found that the hon. Leader of the Opposition, in his terms, is guilty. I believe that is prejudicial to what the committee can and in fact must do.

The references that have been made to the costs and the time of this committee's work I think are a red herring, Mr. Speaker. I think it's unseemly that such a reference should be made by a government that has squandered millions, billions of tax dollars and still hides details. Details are hidden, and this government shuns accountability for those expenditures. So I see that simply as a red herring.

Was there interference by members? Why was the matter, Mr. Speaker, not . . .



### Point of Order Imputing Motives

MR. DAY: Point of order, Mr. Speaker.

MR. SPEAKER: The hon. Government House Leader rising on a point of order.

MR. DAY: Under 23(i). I really hesitate to do this because experience shows that the member opposite usually confines her remarks to the issue at hand, but we're strained considerably when she is using comments like: the government is hiding details. History clearly shows that this government is very responsive, open, and says: what do you want to know? If there's stuff in the courts that can't be released, then it isn't released. What the member is doing is getting into the very thing that parliamentary procedure finds offensive, and that is bringing out innuendo that goes out into the public arena and into the public mind through the media outlets or whatever it may be when that is not the issue, and it colours and taints the issue at hand and distracts us from the task. So under 23(i) I would ask the member if she would withdraw those particular statements.

MRS. HEWES: Mr. Speaker, I think it's time that the details were coloured. I think it's time that we understand the master of innuendo in this House. My comments, I believe, sir, were accurate. If the hon. House leader wants, I will name a list of things such as NovAtel and Gainers and so on and so on and so on where the details are not available to the public and should be and where the government is not accountable.

MR. SPEAKER: Well, time is limited, hon. members. It's understood that there is going to be an attempt to deal with this matter this afternoon. We should not set off on points of order any more than we have to. [interjection] I beg your pardon?

MR. N. TAYLOR: Sorry. I wanted to speak. It wasn't a point of order.

MR. SPEAKER: Well, the Chair hadn't understood that the hon. Member for Edmonton-Gold Bar had finished. She had been interrupted.

MRS. HEWES: Mr. Speaker, I was speaking to his point of order.

MR. SPEAKER: Yes.

Under 23(i) the Chair did not hear the hon. Member for Edmonton-Gold Bar accuse any particular member of those things.

The hon. Member for Edmonton-Gold Bar.

### Debate Continued

MRS. HEWES: Thank you, Mr. Speaker. There is a demonstrable need, in my view – there's a requirement, in fact – for a full hearing with witnesses under oath. The House must know the truth. The public must know the truth. The amendment as I see it is a move to control and limit how the committee functions, to accomplish what the government really wants out of this, and that's to get out. The government wants out of this business.

Mr. Speaker, I would also like to reference your statement, the final paragraph of your comments in your judgment on page 1875 of *Hansard* where you say:

The Chair should make it clear that the truth of the allegation of wrongdoing by members is not beyond the ability of the Assembly to examine as a possible question of privilege.

So you've made it clear that this needs and should be examined. The need to deal resolutely with this profoundly important matter is paramount.

Mr. Speaker, if respect for the House has been diminished, it must be restored by a full and open process. Surely nothing should be restricted or hidden or swept under the rug. Restricting the process leads to the inevitable assumption which is going to be made and has already been made and has been suggested by no less than our Premier that there is something to hide. The government is again controlling the facts that can be uncovered by manipulating the process. The irony is in the rhetoric that we hear here in the face of the rhetoric around Bill 18, that we are open. In fact, this is a restricted, closed amendment that's being made. It's essential, in my mind, that this most serious situation be dealt with fully, openly, and thoroughly. Otherwise, the work of every member is made difficult, and our service to the people of our province is impeded.

I urge members to think carefully, to vote against the amendment, and to support the motion.

MR. SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. I rise in support of the amendment proposed by the hon. Government House Leader. The question of privilege to a new member is an interesting but confusing one. When one consults the authorities – I've looked at *Erskine May*, 21st edition, and I've looked at *Beauchesne*, the sixth edition – one finds, and I quote, that

privileges of Parliament are rights which are "absolutely necessary for the due execution of its powers" . . . because the House cannot perform its functions without unimpeded use of the services of its Members [and without] the vindication of its own authority and dignity.

That comes from *Beauchesne*, sixth edition, page 11, paragraph 24.

Now, *Erskine May* in the 21st edition at page 69 states the reason for privileges, and I quote:

Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

So what are these privileges to a new member? The authorities list quite a number of privileges, such as freedom of speech, which has been a matter of tradition in the House, freedom from arrest, freedom of access to Her Majesty, privileges of the press gallery, as well as the exclusion of strangers, the rights of members to sit, control over publications, and so on. It talks about reflections on the House itself, reflections on the House as a whole, and reflections on individuals. It's in these last two, reflections on individual members and reflections on the House as a whole, that the breach of privilege, in my opinion, has occurred.

### 3:40

Now, how important is parliamentary privilege? Well, the Supreme Court of Canada in a case involving Donahoe versus CBC affirms the independence of parliament and found that even the Constitution doesn't take precedence over parliament. So we're dealing with privileges that are very important, privileges that are worth preserving. In this case, Mr. Speaker, certain immunities are accorded to all hon. members and are an important part of parliamentary privileges. When an hon. member uses parliamentary privilege to impugn or call into question the honesty, integrity, or character of an hon. member or a group of hon. members, then I submit that it may also be casting disrepute on the integrity of the House itself and is a very serious matter

indeed. One would also have to question the use or abuse of parliamentary privilege to advance allegations against any hon. members where the courts have not clearly impugned these members and in particular when the case in question has been referred to another jurisdiction for impartial adjudication. Is the Leader of the Opposition not concerned about sub judice? This does not seem to be enough for the hon. Leader of the Opposition. He wants to retry this case in this Legislature.

Mr. Speaker, I agree with your good counsel that the Assembly not "constitute itself a court of appeal with respect to the decision of the Court of Queen's Bench" and that "the matters dealt with by that court are not relevant" to the matter of the prima facie case of privilege. I would also agree with your good counsel as to the danger of concurrently examining this question of privilege at the same time as a Justice department inquiry. I would agree that if it does go ahead, that considerable diligence be used to ensure that all matters except the point of privilege be strictly ruled out of order.

Now, Mr. Speaker, Edmonton-Roper's arguments really invite any member to make serious allegations besmirching the good name of other members, and the accuser is provided a platform to continue to malign the other member by a quasi-judicial court of the legislative committee. I don't think that's right. Are Edmonton-Roper's allegations not a direct challenge to your ruling?

It would appear to me as a new member elected for the first time that the hon. Member for Edmonton-Glenarry, knowing as he does, or should know, the process of this Legislature, is simply trying to set the stage to show that if he loses, the process is flawed.

Mr. Speaker, I urge everyone to vote for the amendment.

MR. SPEAKER: The hon. Member for Redwater.

MR. DAY: The Mace, Nick, the Mace.

MR. N. TAYLOR: Yeah. Thank you, Mr. Speaker. My worthy opponent over there, as I call him, is cheering me on.

In speaking to this maybe as one of the longest time residents, you might say, of the House there, Mr. Speaker – outside of my hon. colleague here on the left that's spoken – I know that privilege is a very, very important thing and is not to be taken lightly. As the hon. Member for Calgary-Egmont pointed out – it seemed to be to his surprise, but it shouldn't be to any of our surprise – this is really the highest court in the land. It transcends the Constitution and everything else. Parliament is all powerful. Of course, then as an all-powerful body it's incumbent upon us to show that all possible avenues are explored when a case goes to trial, so to speak. The trial will be the privilege. In other words, the privilege committee is really made up not of judge and jury but a whole bunch of judges. They're all sitting there and going to pass on whether or not the case of privilege has occurred. Certainly I think in any court the right for cross-examination, the right to face your challengers or your accusers has to be one of the fundamental rights. We go all the way back to biblical times. Whether it was one of the old prophets or down to the modern day, when you're accused of not telling the truth or vilifying or libeling anyone, you've always had the right to call witnesses and swear them to oath.

Now, this amendment is a bit mischievous in one way, and in another way maybe it doesn't amount to much. I don't know, Mr. Speaker, because what we're doing here in this amendment – it seems to be that the House leader is trying to direct to his

backbenchers and members of the committee that they not be allowed to call witnesses and swear. The fact of the matter is that even if the amendment passes, the committee is all powerful. They can still call witnesses if they wish. They can still swear people to oath. I want to make it very clear that really the motion is a bit mischievous from the point of view that the House leader is trying to telegraph to the government members on the committee that they'd better not call this and better not . . .

DR. L. TAYLOR: He just tells us directly when he wants to tell us something; he doesn't telegraph it.

MR. SPEAKER: Order.

MR. N. TAYLOR: Well, Mr. Speaker, for a change I don't mind seeing him get up. I hope it isn't like the mouse full of whiskey in the bar saying "Bring on your damn cat," and that he really means that he's going to exercise his own independence.

The point that I wanted to drive home very much is that the committee does not have to listen to this, and the House leader, I believe, may in his own clever way be trying to telegraph a message to his backbench: you better not do this; you better not do that. The only reason really for it. Because surely the committee in the search for the truth may or may not want to draw witnesses and swear them under the oath.

The other thing, Mr. Speaker, that seems to be left out here by innuendo is the way that only the hon. Leader of the Opposition will be the one that wants to call witnesses. How do we know that the cabinet ministers will not want to call witnesses, will not want to swear people to oath? Surely it may well be more to their advantage than even the Leader of the Opposition's to bring people in to show their innocence of any of this malice or any of the charges made.

Now, Mr. Speaker, there is no question, too, that the statement in your finding that there was a case of privilege I think has confused the issue. I know very few Speakers are held with the respect and the esteem and maybe even the love that you're held with, but when you said that the truth of the matter really doesn't matter and it's important whether the esteem or the respect for the House has been taken down in the public, that's a difficult thing indeed, because every day I run into somebody who says, "Well, you bunch of lousy politicians." If it's the Treasurer that gets up and announces a new tax, he takes away from the esteem of the House. If it's myself that's heckling the Treasurer, it may take away from the esteem of the House. It's like beauty: it's in the eye of the beholder. Actually, the esteem in which the House is held is probably fairly low indeed. This is an age when politicians probably are lower in public esteem than a piano player in a house of ill fame. Nevertheless, Mr. Speaker, the idea that somehow or another every time one of us says or does something it's subject to privilege is very difficult. I'm afraid that we've opened up a whole Pandora's box, because nearly every member here, except some of the more comatose members in the back, has at one time or another said something that somebody could think was taking away from the esteem.

3:50

So I'm very concerned that that complicates the issue, and I hope the members on the executive aren't going to be making the decision on whether or not it took away from the esteem of the House. I hope the members on the committee are in search of the truth – in search of the truth – either side, because if there is no truth, then what we have is consensus morality where the majority

decides what's true and the minority is automatically wrong, and I don't think that's acceptable, Mr. Speaker.

I had a small thought that I wanted to mention. This is a suggestion to those members on the committee, and as I say, you're all powerful, members of the committee. I thought that maybe the members of the committee may want to retain a retired judge just to rule on rules of evidence and rules of whatever it is. I see the hon. Member for Stony Plain shaking his head, or I hear him shaking his head, Mr. Speaker, sort of in keeping with his past that he already knows everything and that there is nothing new to be added. I would think that maybe a retired judge to advise the committee as to whether certain rules of evidence could go ahead and certain things can be said might be a good idea for the committee, but it's up to the committee.

Finally, Mr. Speaker, I want to make it clear and again repeat that the committee can decide whether or not to call witnesses or to swear to oath without this amendment, even if the amendment does not pass. Let's face it. If the amendment does not pass, I and I think most members of the House intend voting for the motion. This is just an amendment deleting the parts where they can call witnesses. So I think it very, very important that the committee remember that they can do as they please and not to be directed from the grave, so to speak, when the House leader tries to tell them: "No. You just sit here and make it up on a political reason. Don't call witnesses. Don't ask people on either side."

I would say this, Mr. Speaker, in concluding: I'd ask the committee to remember that you have power. You have a lot of power, but as Lord Acton said: absolute power can corrupt absolutely. Also, I think one should remember that power can enoble. So it'll be interesting to see indeed, and I hope the committee conducts itself in such a way that it brings luster to this Chamber and does not just repeat the political to and fro that continues in the Chamber.

Thank you.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, want to make a few comments about the amendment that we have before us from the Government House Leader. I have some sympathy for the comments from the Member for Lethbridge-West in that not being a member schooled in the words of the law, there are difficulties here.

In reviewing this particular amendment, it does nothing to improve upon the original motion and for that reason alone should be defeated. Mr. Speaker, the original motion outlines very clearly the process that should be followed in this particular case.

I want to take a moment, for the edification of the Government House Leader, to use a remarkable piece of technology, of which he's apparently unaware, called a dictionary, and I want to define for him what the term "prima facie" means. Prima facie, as defined in the dictionary that resides a scant few feet away on the shelf, means "at first sight" or "on the first impression." So, Mr. Speaker, it is important for members apparently opposite to know that what we don't have is a breach of privilege. What we have is a prima facie; in other words, at first sight.

Let me give an analogy, because I think that perhaps might help explain to some of the members opposite. The analogy that I might give would be this. What we have is perhaps some evidence that has now been collected. The Chair has been the one collecting the evidence, and he says that now apparently we can proceed to a court case. So it would be like the police going out

and collecting evidence and saying, "Now we have to go to the court." That does not necessarily mean that the court will find yes or no. It simply means that there is enough evidence to go to the court. So that's what a prima facie case of privilege means.

What we have to do now and the Premier we have now and the previous Premier – as reminded by my learned colleague from Redwater, this House has been referred to many times as the highest court in the land. As the process is going to unfold, it is not the case, as the Government House Leader seems to believe, that the question has already been decided. In fact, that is not the case. The question will be decided by the committee. In fact, if we look at the rules in *Beauchesne* which guide us in these matters, as the Member for Calgary-Egmont has referred to, in the Role of the Speaker at *Beauchesne* 117 it says, "it is the [role] of the Speaker to decide if a prima facie case can be established." Further in that section it says that the Speaker's function

does not extend to deciding the question of substance – whether a breach of privilege has in fact been committed – a question which can only be decided by the House itself.

So indeed the question has not been decided; only that a prima facie case seems to exist.

From that standpoint, even the wording itself is poorly displayed in this amendment. Where it says a "prima facie case of privilege which was found to exist," it seems to leap to the conclusion that in fact privileges have been breached. That has not been the case. That has not been found, because as *Beauchesne* points out and as you, Mr. Speaker, have pointed out in your own ruling, that is not your role. That is the role of the committee, which will come into existence, presumably, or come into action, I suppose, whenever we pass this motion. So the wording of the amendment in and of itself is poor in that it is not clear as to what is happening. It seems, again, to be indicative that the decision has already been made.

Mr. Speaker, other speakers – the Member for Drayton Valley-Calmar, the Minister for Public Works, Supply and Services – said that we have to have this amendment in order to get the process back on track. Well, that too is not complete, that too is in fact not correct, because the motion that we originally had on the Order Paper under Standing Order 15(6), which of course is related to the amendment, outlines the procedure that is to be followed.

Indeed, when we look at – again as our guide we look at *Beauchesne* – *Beauchesne* 119, it says that "the Standing Committee . . . has a free hand within its terms of reference to hear witnesses and call for papers," which also was included in the original motion as put forward by the hon. Leader of the Official Opposition. So to pass this amendment that we have before us today which we are debating suggests that we are not going to allow that to occur. Mr. Speaker, that goes outside of the rules that we have established, that have been established as traditions of this House and of our federal House.

Further, in *Beauchesne* it says in section 120, and this is part of it, that "It is customary for the accused to request and be granted the right to be heard through counsel," also part of the original motion as put forward, which is deleted by this amendment. Again, a flaw in the amendment, which is part of the reason why that amendment should be defeated.

Further, in section 121, again in *Beauchesne*, it says, "Witnesses to be heard . . . are normally summoned by the Speaker," again certifying that witnesses can and should be brought forward. This amendment, by proposing to delete all of those words following "Be it resolved that the" and substituting everything else, suggests that witnesses should not be heard, whereas in fact

it says that witnesses should be heard and called. Further in that same section it says, "Should the person not be present . . . the House orders the Speaker to issue a warrant." Again, since the Speaker is the servant of the House and receives direction from the members of the House, if the committee then says, "Mr. Speaker, we need to have individual X here; go get him," it is the responsibility of the Speaker and presumably the Sergeant-at-Arms to ensure that that individual is here so that evidence can be heard.

So the right for witnesses, the right for papers, the right for counsel are all part of the proceedings that we have under our rules of privilege. Then we can get into the evidence itself, and we can start discussing the Paddle River dam and this contract and so on. But I'm talking solely, Mr. Speaker, about the process of privilege, the process that is the custom to be followed in deciding on issues of privilege. Later on, we can get into the details of the particular case. This amendment that we have before us is in fact an attempt to limit very strongly the proceedings.

4:00

Mr. Speaker, the tradition, I think, in our legal system is that an individual has a right to face his accusers and to question them and to question them under oath. An individual has an opportunity to call witnesses in support of his side. This amendment to change the motion that we have on our Order Paper in fact seems to deny all of those rights of natural justice. If that indeed is passed and if that is the direction that we are to go, that would be I think a sad direction for this House to take.

In concluding, the Member for Calgary-Egmont said: well, let's not worry about what's happening in the case; there is a court case over there that's going on, and we don't want to deal with the issue of what's happening with the court case. Well, Mr. Speaker, that is fundamental, that is integral to the arguments that have to be made. I understand his concern, and I would draw to him the point – and many other members have also said – that one of the most critical and serious issues to be debated by a committee of this House is the issue of privilege. For the member's edification across, *Beauchesne* 510 says very clearly, when you're dealing with a serious issue – and certainly this one is – that the Speaker has pointed out "that the House has never allowed the sub judice convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House."

Mr. Speaker, in your ruling with respect to the issue of prima facie case of privilege, you made particular reference to the effectiveness of this House, to the effectiveness of members of this House. Therefore, an issue that is before the courts dealing with an issue of privilege is absolutely irrelevant. If there are matters there, before the courts, that must be brought forward, then there is no impediment to bringing them forward to the debate in this House. From that standpoint, everything must be on the table. The individuals who are backing that information must be prepared to come to the bar of this House and be prepared to speak. The individual in discussion here, the Member for Edmonton-Glengarry, the hon. Leader of the Official Opposition, must have the right to call those individuals with the documentation and have counsel. For that reason, this amendment must be defeated.

MR. DECORE: Mr. Speaker, I start by noting in the gallery the two gentlemen that were introduced earlier during Introduction of Guests. I draw the House's attention to these two gentlemen because this isn't just a matter of the Leader of the Opposition and a question of privilege; this is a matter that involves Albertans. This is a matter that involves people who lost equipment, people

who lost money, people who went bankrupt, people who were very much disadvantaged because of what the court found to be negligence, fraud, and deceit. Two gentlemen are sitting in our gallery who lost money, who were very much losers because of the actions of the Paddle River process. So let's not limit this matter to just the Member for Edmonton-Glengarry. This is a matter that affects a great many Albertans.

Now, the hon. member who has just spoken, my colleague, has I think very clearly set out the explanation of prima facie, and unfortunately members on the opposite side don't seem to understand that. There is some evidence that the Speaker has found to refer this matter on to a committee. There is also some evidence of interference, and the Speaker today has interestingly noted that this issue is a matter of debate. The comments made by the Premier when he said that the Member for Edmonton-Glengarry is already guilty – the Speaker noted that that is a matter of debate. Well, there appears to be evidence on both sides. There appears to be documentary evidence on our side, on my side, that suggests that interference in fact took place.

Now, the question is: if you've got some evidence on one side and some evidence on the other, how do you come to the truth? How do you resolve that? Well, I thought the way to do it was to immediately stand up after the Speaker found that there was some evidence to go to committee and to indicate that I was going to bring forward a motion that would require that witnesses could be brought forward, that witnesses would be put under oath, that proper resources would be given to this committee, and that legal counsel could be provided. All of that would very much allow for issues to be very clearly defined and the truth to be found for the issue that's now fuzzy in terms of some evidence on this side and some evidence on that side, the issue to be finally resolved as to where the truth lies. That was what was intended when I stood and gave notice. I came forward the next day with the written notice that very clearly set out the charges that had been leveled against me and my request that there be witnesses allowed, that witnesses be cross-examined, that they be required to take an oath, and that legal counsel be provided with the necessary resources. That's how you get to the truth.

Now, I'm getting somewhat frightened and appalled by what I see developing in this Assembly. I note the comments first from the hon. Member for Drayton Valley-Calmor. The minister stood earlier and spoke and made this comment. He said that the "committee will listen to arguments and debates." Listen to arguments and debates. Now, that clearly indicates to me that that member isn't interested in hearing witnesses or having two ministers put on a witness stand and placed under oath. It seems to be a process that is becoming defined as I listen to members on the other side.

Then I listened to the Member for Lethbridge-West, who said: as I understand the situation, it's already been turned over to Saskatchewan for a review. There has been considerable debate in this Assembly of how the government has deflected this matter on a criminal reference rather than on dealing with civil fraud, deceit, and negligence. The Member for Lethbridge-West went on – and this is the part that disturbs me – and said that if the Liberal motion goes through, then we'd have lawyers on the other side playing Perry Mason. I always thought that Perry Mason was supposed to find out the truth. In fact, that's always the way I watched that program. He did find the truth. So there appears to be yet another member of the government side scoping the kind of committee work that's going to be done, and it clearly looks to me like witnesses aren't going to be allowed to be called, that

people aren't going to be put under oath, that we're going to have difficulty getting to the truth.

Then we go on to another hon. member, the hon. Member for Calgary-Egmont, who said that there is a danger of the accuser being provided a forum to continue his accusations. Now, this follows suit with what statements have been made by other members, and it is again to limit my ability to get at the truth. You get at the truth by having people put under oath and getting questions answered.

4:10

There already is documentary evidence that suggests that contracts were set out, awarded, set aside, put over, distributed on the basis of a 75-25 split between two constituencies. There is clear evidence that a minister of the Crown wrote personal notes on contract allocations. I think those two ministers need to be put onto a witness stand and put under oath and asked questions about those two issues. What were those splits? How come somebody was getting work and others were not getting work? What's the sort of process that was used in that method of contract awarding? That's what I want to get to. I said previously in this Assembly that when the court found that there was deceit, negligence, and fraud in a civil trial – this isn't a hollow finding of fact, a hollow government. It means that there's a need to determine who is and who was responsible, ministerially and in terms of a bureaucracy, for that deceit, negligence, and fraud.

Now, the effect of the amendment to the motion is to deny me the right to a fair hearing. It is, when linked with statements that have been made by members of this Assembly on the opposite side, I think becoming frightening. I am starting to see what looks like a kangaroo court developing, and I hope that's not the case, because I want my fair day in court. I want my opportunity to face those two ministers to find out exactly what the truth is. I'm confident in my side. Now, Mr. Speaker, this is a telegraphing of a message when the government thwarts what I think is natural justice by denying witnesses and cross-examination by lawyers and simply putting this over. This clearly looks like a denial of natural justice. I guess there's one saving feature, and that is that the court cases on the issue of privilege seem to indicate that when kangaroo courts are attempted, members of Assemblies do have the opportunity of going to the courts of this land, courts in Alberta, and seeking and ensuring that natural justice prevails. I hope that I don't have to do that, but I'm not going to be afraid to go and get it if I have to get it.

Thank you.

MR. DINNING: Mr. Speaker, I rise in support of the amendment brought forward by my colleague the Government House Leader. I was not planning to speak to this motion until I heard the comments of my colleague, who has been elected to this Assembly for about 330-odd days, the Member for Calgary-Egmont, when he reflected on the privilege of coming to this Assembly. I've had the good fortune to serve here now for almost eight years, and it is a unique privilege that Albertans confer upon 83 members, including you yourself, Mr. Speaker, to serve as their servants, to serve in this Assembly.

I couldn't help but go to the dictionary meaning of the word "privilege" where it talks about, in addition to the privilege matter we're talking about here, a "special advantage or benefit" that is conferred upon us to sit in this Assembly. That is something that perhaps we don't stand back from enough from time to time to reflect upon, the fact that we do have conferred upon us some-

thing that is special, something that is unique and a privilege: to serve in this Assembly.

I couldn't help, of course, then to follow the Member for Calgary-Egmont's research when he went to *Erskine May* and talked about the privilege in the context of the amendment that is brought before the Assembly by my colleague the Government House Leader. *Erskine May* talks about:

Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual Members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its Members.

It goes on to say that

fundamentally . . . it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

You know, Mr. Speaker, again it's important to reflect on the words behind that.

I was interested. I listened with interest and intent to the Member for Edmonton-Gold Bar when she said, in terms of the amendment, that "respect for [this] House has been diminished," and she's absolutely right. The tragedy is that the reason why this is before the Assembly today is that the Liberal leader went too far. He does that in speaking to the amendment. He does that often. This time, though, he got caught. He has been caught, Mr. Speaker. I have served as a member of this Assembly for eight years and watched with interest as the Member for Edmonton-Glengarry became the leader in 1988 and became a member of this Assembly and enjoyed the privilege of representing the people of Edmonton-Glengarry after March 25, 1989.

MR. BRUSEKER: The 20th.

MR. DINNING: Excuse me; March 20. The member is absolutely correct.

I think what the sad part is, in speaking to this amendment especially, is that the Leader of the Opposition has never understood the role of this Assembly and the purpose and the reason why we are here in this Assembly today. I've often watched with interest because he is a lawyer. I admire many of you, Mr. Speaker, being a barrister, being a solicitor, being a man of the letters. I've often admired those people and at times even envied them in their ability to make an argument and to present a case and present an argument, especially speaking in terms of the amendment that is before us. I watched the hon. Leader of the Opposition wanting to make this a courtroom, and this is not a courtroom. This is a place where there is a free flow of views and expressions of what we hear from our constituents and what they want placed as matters of public policy on the floor of the Assembly.

Mr. Speaker, the members across the way, the Leader of the Opposition himself is in many ways wanting to replead, represent the case that has gone before the Court of Queen's Bench. Rather than focusing on the issue, the case that was made to you on a matter of privilege, rather than focusing on that, he now wants us to go back and reconstitute this Chamber as a court that's higher than the Court of Queen's Bench, he says, as a court that's higher than the Court of Appeal. Again, that is not the role of this Assembly or the committee on privileges.

4:20

You have made it clear that the matter before the Assembly which should be sent to the committee is the matter of the words constituting "an improper obstruction to the member . . . in

performing his . . . parliamentary work." If I may, I'll summarize your comments from Maingot in *Parliamentary Privilege in Canada* where he says at page 13:

To constitute "privilege" generally there must be some improper obstruction to the member . . .

and in this case, it was the Member for Barrhead-Westlock and it was the Member for Whitecourt-Ste. Anne

. . . in performing his parliamentary work in either a direct or constructive way, as opposed to mere expression of . . . opinion or of criticisms of the activities of the members.

There is a difference, Mr. Speaker. One can be critical. I hear from hon. members across the way every single day criticisms of government policy, criticisms of implementation of policy.

MS CARLSON: You deserve it.

MR. DINNING: Some of it, hon. member; some of it actually well deserved.

If there's one thing about this government that is unique in this country, I believe it is that it's a government led by a Premier who as a man understands the need at times to say, "Fellow Albertans, we made a mistake, and we're going to pull back and rethink and go in a different direction."

So, Mr. Speaker, when I hear hon. members speaking to this amendment that was before the Assembly today – they raise NovAtel. They raise Gainers. They raise all of those things, and I know that they will continue to do this. I had a private conversation with one of the hon. members last night. NovAtel will always be here because the members across the way will always remind us of it, but this government has taken the steps that are necessary to ensure that a NovAtel doesn't happen again. Their focus is on looking in the rearview mirror, constantly looking in the rearview mirror, and when you only look in the rearview mirror and you're trying to drive down the road, you end up driving into a brick wall, and that's exactly what the hon. members across the way have done.

Again, in speaking to the amendment and the research that you have done to come to your decision, Mr. Speaker, I think it's important to be clear about what the ruling is. The reason why this is before us is that you have found reason to send it to the committee because on first glance, on first sight, as the Member for Calgary-North West said, there is a breach of privilege. We're recommending with this very simple amendment that it get to the committee on privilege and that it be dealt with expeditiously, not because we don't have better things to do – God knows that the members of this Assembly have important matters to deal with – but because the Liberal leader went too far, as he often does, and finally got caught. It's important for us to reflect as members of the Assembly why it's going there and why this is not a court or a court of appeal. Mr. Speaker, you said – and I know it was just expressing an opinion – that

it is the Chair's opinion that it would not be in order for the Assembly to constitute itself a court of appeal with respect to the decision of the Court of Queen's Bench in this matter.

Yet the Liberal leader wants to do that. That is your advice. It's not binding; it is your advice, Mr. Speaker. I acknowledge that, but I think it's advice based on wisdom and experience. Having been a parliamentarian for the last quarter century, Mr. Speaker, you know, and it's good advice, sound advice that all members of this Assembly should take.

The Liberal leader talked about the fact that this matter of privilege involves Albertans, and I'm glad that there are Albertans in the gallery today. Mr. Speaker, the Liberal leader talked about

their having lost money, that they lost machinery, that they lost their businesses. I regret that. I deeply regret that, and I know my colleagues in government deeply regret that any Albertan would be faced with those kinds of consequences. And as the barrister, as the solicitor who is also the Member for Edmonton-Glengarry knows full well, there is a place for that concern, that very legitimate concern to be raised, and that is in the courts of the province of Alberta. That is a matter that should be and can be brought before the Court of Queen's Bench, the Provincial Court, depending upon the nature of the case that's brought before it.

That is for the courts to decide. The matter that is before the Assembly is not a matter for the courts to decide. The matter that is before the Assembly is your ruling where you've provided advice to the Assembly, where there is a potential of improper obstruction to the member in performing his parliamentary duty. This is about obstruction of parliamentary duty. That's what this Chamber can deal with. The courts can deal with the problem that Albertans rightly feel needs to be dealt with.

I would simply close, Mr. Speaker, by referring to section 119 of *Beauchesne* – I often refer to it as 'Bowchesnee' – where it says:

The Standing Committee on Elections, Privileges and Procedure has a free hand within its terms of reference to hear witnesses and call for papers. It is customary for the Law Clerk and Parliamentary Counsel to present a brief to assist the committee in reaching its conclusion.

So having referred this to an independent committee of the Assembly, constituted by members from both parties in this Assembly, for them to determine its terms of reference with respect to hearing witnesses and calling for papers.

I have to draw the attention of the hon. Member for Calgary-North West, though, to his use of sections 120, 121, and 122. He talked about bringing witnesses before the bar. Mr. Speaker, he has all too conveniently, as he often does, forgotten and not spoken of section 120 where it says, "Should the House" – should this entire Chamber – "wish to proceed without reference to the committee it may do so." Then it goes on to call for the Speaker being able to summon witnesses to be heard at the bar, and if they're not prepared to be here, the Speaker, when the House constitutes itself into a matter of privilege, may "issue a warrant for the witness to be taken into custody." The Member for Calgary-North West conveniently left that out. I know it is often their wish to make their arguments in a convenient sort of fashion.

I would simply ask hon. members to remember what our duty is here, and that is to send this matter to a committee on privilege to assess the improper obstruction to a member in the performance of his parliamentary work. [interjections]

MR. SPEAKER: Order please.

The hon. Member for Stony Plain.

4:30

MR. WOLOSHTYN: Thank you, Mr. Speaker. I've listened to the debate here for the better part of the afternoon, and I think there are some things that have to be addressed.

First of all, inside and outside of this Legislature, as MLAs we are equals. We are equals when we go out to our constituency. Within this building and within this structure there are some members who end up being on Executive Council. Other members get other responsibilities. You get additional responsibilities on both sides of the House.

We have one side that governs. The other side is Her Majesty's Loyal Opposition, and when they understand their role, Mr.

Speaker, they have a meaningful role to play in the process of government. That role is basically to keep the government accountable and also, where appropriate, to in some manner enhance, either through debates or through estimates, the proceedings that happen in here. Some of the hon. members across the way can take pleasure in the fact that their participation in debates in this current session has led to, either under their name or through the government members, some significant amendments put forth to legislation. I would say that that was responsible criticism, accepted responsibly and implemented. It may not happen as frequently as members opposite would like, but I think they should know that it does in fact happen.

As far as the estimates go, we have 25 days of those plus another 12, potentially another two for other areas. A good portion of the House is dealing with estimates, at which point this time around, through the co-operation of the two House leaders, there were even special committees set up to look into the budget a little more closely. That process seemed to have been appreciated by both sides.

[Mr. Deputy Speaker in the Chair]

The one area, Mr. Speaker, where we find the opposition makes every attempt to bring the government to account is during question period. With the role of the Leader of the Opposition, he is given the recognition of asking the leadoff two or three questions. The issues are theoretically supposed to be raised here. Now, there is a large degree of responsibility. A lot of theatrics go on during this question period, granted. However, we must remember that there are limits to conduct, or perhaps I might say misconduct.

The reason that we are looking at this particular issue is not because of the Paddle River dam. That was the issue that the opposition was attempting to raise points on. The issue was the dam. The reason we are here, Mr. Speaker, is because of the conduct of the Member for Edmonton-Glengarry in presenting that issue. The issue was not the problem here; it was the conduct. Had the subject matter been anything else and the conduct the same, we would be here regardless. Now, I think that's very important for every member in this Legislature to understand and understand clearly. The issue wasn't it. The opposition has the right to raise any issue they want. They even have the sanctity of raising it in such a manner that outside the House it might even be construed to be libelous, but because they are within the confines of these four walls – and I support that totally – they can raise it in any manner they want. However, all members – all members – have limits of behaviour. When these limits of behaviour are perceived to have been, shall we say, violated, you can bring up a point of order, the Speaker rules on it, we have a little bit of debate back and forth, and it usually gets discounted as a dispute between members. However, if we go too far as members, then you enter into the realm of what can be construed as privilege.

[Mr. Speaker in the Chair]

We must remember the process too, Mr. Speaker, of what happens here. The Speaker rules if in fact there is a prima facie case of privilege or not. In this case the Speaker has ruled that. It comes back to the Assembly. The Assembly must determine if it goes to the Committee on Privileges and Elections, Standing Orders and Printing.

I was very distressed to hear references made to this committee as a kangaroo court, because on that committee all of the MLAs are equal. If we are going to put aspirations or wrong motives to the members for St. Albert, Edmonton-Ellerslie, Sherwood Park, Calgary-*Buffalo*, Fort McMurray, Lac La Biche-St. Paul, Edmonton-McClung, and Lethbridge-East, when you call that committee a kangaroo court, you are referring to those people because they are a part of that very same committee. I would respectfully suggest that the level of debate with reference to that committee of this Legislature was bordering on privilege on its own merit here. I was very distressed to hear that a committee of this Legislature could be put down to that level. I would say to the members that I named there: you're all members of that very same committee that your colleagues seem to hold in such low esteem.

When it goes to the committee, Mr. Speaker, what happens? The committee, with input from all members, determines the parameters of how this so-called hearing or investigation is going to go. They can focus on it as precisely or as broadly as they choose as a committee. Other members have alluded to what the committee can do in terms of calling witnesses and so on, and I won't go into that. I would hope very sincerely that if this goes to committee, the guidelines of this process be focused on the conduct . . .

#### **Speaker's Ruling Decorum**

MR. SPEAKER: Order please. The Chair regrets to interrupt the hon. Member for Stony Plain, but the Chair does not really feel that this is the forum for negotiations between the House leaders of the respective parties they represent. [interjections] Order. Order.

The hon. Member for Stony Plain.

#### **Debate Continued**

MR. WOLOSCHYN: Thank you, Mr. Speaker. I would hope that the focus of the committee, if this goes to committee, focuses on the conduct that brought this to be ruled on as a prima facie case of privilege by the Speaker; nothing more, nothing less. We must remember that after the committee does hold its hearings, they must report back to the Legislature. So we have had in this particular incident a ruling by the Speaker, a debate in this Legislature on whether it should go to another step. If it goes that other step: a debate or a hearing within the committee, a report back to the Legislature.

Mr. Speaker, I think the process is very democratic. It's very fair. I don't understand, for the life of me, why we would want to try to convolute the process of a committee of this Assembly by paralleling it in some strange form to a court by trying to get out all the parameters that the original motion had set out. I'm not suggesting for one minute that it may not go in that direction if the committee so chooses, and they have the right to do so. That may well be the committee's choice. But we hear comments saying that it's going to be stifled, the committee is not going to be fair. All I'm suggesting to the hon. members here is that when you're making those kinds of allegations, look in the mirror. Look in the mirror, because the motives that you're alleging apply equally on both sides.

DR. PERCY: Let's have a vote.

4:40

MR. WOLOSCHYN: So, Mr. Speaker, there is a desire to vote on this. I sincerely hope – I'm sure that the support from across the

way is going to be there for this amendment, because if they have an understanding of the process, they'll know that this amendment is the appropriate one.

If you look at the amendment, what does it say? It says quite clearly that the

prima facie case of privilege which was found to exist when the Chair of the Legislative Assembly made its ruling on Wednesday, May 11, 1994, be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing.

Why? Because that's the way the referral should go. Not only is that the way the referral should go, but that's the way the referral must in fact go. To establish wide-ranging restrictions and criteria on that committee would be improper in this case.

Mr. Speaker, I feel that I was one of the few speakers who have focused on the issue, right on the issue, and the issue is a member's conduct in here. [interjections]

MR. SPEAKER: Order. [interjections] Order.

MR. WOLOSHTYN: Mr. Speaker, thank you. That is exactly the kind of conduct that belittles this whole Legislature. That is the kind of conduct. I personally find this to be a very serious matter. I want to find that justice be done to the member involved, because how this committee operates and what comes out of it will impact or could impact on not only the member involved but on all of us in this House.

As I patiently try to focus on why we are here, I find it difficult to stay on topic because of the unfair digressions. I would like to make this notation, Mr. Speaker. I sat in this House all afternoon. I did not once utter any kind of interruption to any member on either side of the House. I did, on a couple of occasions, shake my head. The Member for Redwater chose to hear my head rattling, but I think it was his hearing aid vibrating. That's a thing we will debate outside the House.

Mr. Speaker, I would like to see the members focus very clearly on what we are doing here today. There was a question of conduct of a member in the House. That's it. Let's look at that, let's refer it to the committee to be looked at, and let's then debate it and find out what the committee has. The truth, hon. members, is on what occurred in the House, and that's exactly what we will be looking at: the truth with the intention of having proper justice.

#### Point of Order Decorum

MR. DAY: A point of order, Mr. Speaker.

MR. SPEAKER: The hon. Government House Leader rising on a point of order.

MR. DAY: Mr. Speaker, *Beauchesne*, the entire chapter of 11 and following, talks about rules of debate. There's a very clear reference right here about interruptions during debate. The member . . . [interjections]

MR. SPEAKER: Order please. The Chair will use this as an opportunity of saying that hon. members are being very raucous on both sides of the House. All members – I shouldn't say all members, but most members have been interrupting each other all afternoon, as the hon. Member for Stony Plain has mentioned. The Chair has to say that the hon. Government House Leader has not been immune from that practice either this afternoon.

The hon. Member for Stony Plain has a right to conclude his remarks, hon. members. If hon. members would then wish to vote, the Chair will ask the Assembly whether it desires to express an opinion on what's before the Assembly.

The hon. Member for Stony Plain.

#### Debate Continued

MR. WOLOSHTYN: Thank you very much, Mr. Speaker. I will now conclude my remarks by saying that there was an incident in the House which was perceived by some members to be a breach of privilege. That incident was deemed by the Speaker to in fact be serious enough to come back. A motion was made, which I support, to put it forth to the privileges committee. I would also support that that go to the privileges committee without caveats. I am very, very sure that there will be a proper and fair hearing of the matter before the House.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. As you know, I'm one of those quiet guys in this House that, generally speaking, doesn't take the opportunity to berate or belittle anybody that is speaking. What we're dealing with here is not a complicated matter in my estimation. We're simply looking for the truth, and the amendment will preclude the fact that we should get to that truth. I would submit that we cannot ever go too far to search out the truth. This whole discussion today is precipitated by the courts of Alberta, which I have a great respect for because they found this government negligent, deceitful, and guilty of fraud. [interjections]

#### Speaker's Ruling Decorum

MR. SPEAKER: Order. Hon. members in the opposition caucus, one of your own members is speaking, yet you don't have the courtesy to let him be heard.

The hon. Member for Leduc.

MR. KIRKLAND: I've got them so excited with my comments, Mr. Speaker, they can't contain themselves.

#### Debate Continued

MR. KIRKLAND: Mr. Speaker, what we're watching here – and you've heard me use the term before – is a classic case of the musk-oxen syndrome. That's where when there's a threat, the musk-oxen back their butts into a circle, lower their heads, and blow snot all over anybody that comes near them. We know exactly what the concern is here. There is a general perception in the public's eye that politicians are somewhat less than honest and somewhat lacking in integrity.

We have lived in this province for 22 years with a Conservative government. They, I submit, are solely responsible for that very sorrowful perception of the public's view of politicians. The Paddle River dam situation is testimony to what we have endured for 22 years. The search for truth should come forth. There should be no concern or no fear with truth, but you will find that there is because it goes far wider than the Paddle dam. They have chosen to forget their \$28 million or \$30 million debt, their incompetence, their patronage. [interjection] Billions. I stand corrected, Mr. Speaker.



The very reason I sit on this side of the House is because I sought integrity. I sought integrity in the political system. I could not see myself sitting with the group that sits in the front bench over there who have not reflected it for 22 years. So, Mr. Speaker, let's get on with the search for truth. It's that simple. They don't recognize it. They don't understand it. They haven't prospered from their past mistakes. They will continue to repeat.

As we have been accused of wasting time in this Assembly by putting forth quality debate, I say they are wasting the taxpayers' money by prolonging this. Let's call for the question, Mr. Speaker.

4:50

MR. ADY: Mr. Speaker, I won't take long, but I would like to make a few comments on this motion and the amendment. I think it's important that all of us stop and reflect for a moment that it's a privilege to be a member of this Assembly. Many of us, in fact all of us, worked very hard to get here, whether we come from the opposition side or whether we are on the government side.

It behooves us to conduct ourselves with some measure of decorum. The British parliamentary system has been around for a long, long time, and we subscribe to that in this Assembly. Over that long period of time, I suppose occasions like we are experiencing here today have arisen in the past, and that has caused the system to develop a means to deal with circumstances such as we're dealing with here today. That's why we have a process, Mr. Speaker, which you were called upon to deal with and which you dealt with in a very expeditious manner. It set the stage for a process that is in our Standing Orders and is part of the British parliamentary system, whereby a committee is put in place that can deal and deal effectively with the circumstance which we're called upon to deal with.

Now, hopefully all of us can do this with some sense of dignity for the membership that we have. It is not everyone who is able to find a place in this Assembly. Let's be aware that of 2 and a half million people in this province, only 83 members can be part of this so-called highest court of the land, the Legislature of this province. I think it's important that we stop and remember that and stop and think of the trust people put in us and in this Assembly and also the trust that we have to protect the integrity of this Assembly. Mr. Speaker, that's what this whole motion is about. This is what your ruling was about: to protect the integrity of this Assembly and those who work within its walls. I for one certainly want to preserve that process. It's important. If we allow that to be desecrated by members being able to stand and make accusations that are unfounded and have no penalty, have the House have no opportunity to call them to order, to call them to account, certainly we will lose the very thing that we prize so highly, that we worked so hard to be a part of. So it behooves us to move forward expeditiously with this process.

Mr. Speaker, the Leader of the Opposition went too far for those rules that have been put in place over these many decades. He went too far. We sustain you as the Speaker of this Assembly, and you ruled that he went too far.

#### Speaker's Ruling Clarification

MR. SPEAKER: Order please. The Chair will have to say that it's gilding the lily a little bit to say that I ruled that there was a breach of privilege. The Chair ruled that there was a prima facie case of a breach of privilege which the committee was to determine.

MR. ADY: Well, Mr. Speaker, let me ungild the lily a little then, and I'll temper my remarks a little bit in that way.

#### Debate Continued

MR. ADY: However, the hon. Leader of the Opposition does have a tendency to go beyond just putting a spin on a particular issue. I won't use the words that perhaps would describe how far he does go, but certainly it was enough recently that he was called on a point of privilege in this Assembly. That's the important thing that we're dealing with here today. And he knows that he went too far. He understands that.

Let's look at how the stage is being set. Now the stage is being set that if he is found to have gone too far by the committee, if it goes to the committee, then it was a kangaroo court. There was unfairness. The process was flawed. All of that was wrong. But in the event that the committee finds in his favour, there won't be a peep about the process being flawed or wrong. We read in the media of him having set this up and the kangaroo court phraseology that he uses and the like. All of that is part of the posturing that is being put in place in preparation for the very dignified and proper process that been put in place in our parliamentary system over decades, as I said earlier.

So, Mr. Speaker, I am certainly going to support the amendment and allow us to get on and deal with this process in the proper way that has been set out for us over the past number of decades.

Thank you.

MRS. McCLELLAN: Mr. Speaker, I have a few brief comments to make on the amendment. A complaint of breach of privilege is a very serious matter, and it should be considered in that manner in this House. It is a privilege for each one of us to be a member of this Legislature, and that privilege of being a member of this Legislature also carries with it a very heavy responsibility. It carries a heavy responsibility as to the way we conduct ourselves on behalf of the people of this province within this Legislature and in our constituencies that elected us and gave us the privilege of being here. When a member feels that his ability to carry out those duties has been breached, indeed it is a very serious matter.

Mr. Speaker, this House carries a degree of protection for its members, and I believe that because it does carry that protection, it is even more important the way that we conduct ourselves and the way that we speak in this House. I take that very seriously. I made a commitment three times to the people in my constituency that I would represent them well and fairly, that I would always attempt to conduct myself in this Legislature in a way that they would not be embarrassed, and that I would be responsible to that privilege they've granted me.

Mr. Speaker, I want to just review why I support the amendment. First, when I reflect upon your ruling, it does state that the Chair finds that "a prima facie case of privilege does exist." Then I reflect on *Beauchesne*, which gives us clear direction, I believe, as to the handling of this. The standing committee on elections, privileges and procedure is the place for this to be handled.

I reflect on the hon. Leader of the Opposition's motion. I will not read it, but all of what is asked for in this motion is available to the committee, if in its judgment that is the way to handle it. *Beauchesne* 119 does state:

The Standing Committee on Elections, Privileges and Procedure has a free hand within its terms of reference to hear witnesses and call for papers.

It goes on to say:

It is customary for the Law Clerk and Parliamentary Counsel to present a brief to assist the committee in reaching its conclusion.

Therefore, Mr. Speaker, with the amendment, which reads, deleting all the words after [the words] "Be it resolved that the" and inserting the following: prima facie case of privilege which was found to exist when the Chair of the Legislative Assembly made its ruling on Wednesday, May 11, 1994, be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing,

and with the advice and guidance that we receive through *Beauchesne* and other parliamentary books or advice, I would suggest that this committee can handle this in the way that it has been handled by the tradition of these Legislatures for years.

5:00

Mr. Speaker, I carry some fear that we may lose some of the traditions of the Legislature. I believe there is a place for tradition in our lives, and I think that we should have some concern for some of the loss of respect for this House. Respect for this House, if it is lost, only comes from the actions of those of us who stand in this House, and I would remind all hon. members that we carry a responsibility to our constituents to behave in a manner and with some decorum that they would not be embarrassed by were they sitting in these galleries today or any other day in this House. I would apologize for the times that I may have – and I am as human as anyone else – forgotten that responsibility. I urge this House to think about that seriously, to think about the thousands of children who sit in our galleries and observe the conduct in this House, and to all behave in a manner that does show our respect for the legislative process and to move ahead and handle this in a way that is allowed us by the legislative process, the parliamentary process that has served this country and indeed our mother country in good stead for hundreds of years.

Thank you.

MRS. MIROSH: Mr. Speaker, I've been listening to the debate on both sides of the House, and the reason that I rise is because the integrity and honesty of politicians has been raised a number of times. It is really sad that the day has come when opposition members are using this House to slander members on this side. In fact, we did get elected based on integrity and honesty. [interjections] You know, I hear cackling on the other side, which really makes me wonder where members opposite are coming from. It is sad that when you can't get your point across politically, you have to start hitting on the individuals, Mr. Opposition Leader. With opposition members hitting on individual government members, you feel that you can raise your point on another matter. That isn't what we're all about.

You've even mentioned in your deliberations, Mr. Speaker, that "any scandalous and libellous reflection on the proceedings of the house is a breach of the privileges of parliament." The opposition leader, in my view, has been trying to create scandal by slandering people's names. There hasn't been any dishonesty. The courts have ruled on the issue of Opron, but now we're dealing with the issue of the member opposite and the scandal that he is trying to provoke in this House. This is the highest court, and I believe it should be respected that this is the highest court. [interjections] The members opposite I believe are disrespecting it just by their cackling across the way, and what they're doing now is disrespecting this highest court.

Mr. Speaker, I would like to speak to the amendment and support the amendment in deleting the words, as has already been spelled out, and refer this issue to the standing committee on privilege on the basis of your very own words, that this is a "scandalous and libellous reflection on the proceedings," and that that is an issue that must be discussed, and that the member

opposite must talk and focus on what he has done to two members on the government side.

MR. SAPERS: Tell the truth.

MRS. MIROSH: We are telling the truth, and we are being very honest. This is why we were re-elected. This is why we are government members, and that's why you're over there.

Mr. Speaker, I would just like to once again reiterate that I support the amendments and subamendments made.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Order. The question is on the amendment proposed by the Government House Leader to the main motion.

[Motion on amendment carried]

MR. SPEAKER: The question is on the motion as amended. All those in favour of the motion as amended, please say aye.

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 5:05 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Gordon	Percy
Ady	Hanson	Pham
Amery	Havelock	Renner
Beniuk	Henry	Rostad
Bracko	Herard	Sapers
Bruseker	Hewes	Sekulic
Burgener	Hierath	Smith
Calahasen	Jacques	Soetaert
Cardinal	Jonson	Stelmach
Carlson	Kirkland	Tannas
Chadi	Laing	Taylor, L.
Clegg	Langevin	Taylor, N.
Collingwood	Leibovici	Thurber
Coutts	Magnus	Trynchy
Day	Mar	Van Binsbergen
Decore	Massey	White
Dickson	McClellan	Wickman
Dinning	McFarland	Woloshyn
Doerksen	Mirosh	Yankowsky
Dunford	Mitchell	Zariwny
Friedel	Nicol	Zwozdesky
Fritz	Paszkowski	

Totals: For – 65 Against – 0

[Motion carried]

[The Assembly adjourned at 5:20 p.m.]