

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: Wednesday, November 25, 1981 2:30 p.m.

[The House met at 2:30 p.m.]

PRAYERS

[Mr. Speaker in the Chair]

MR. SINDLINGER: Mr. Speaker, I ask that I might rise on a point of privilege. I have given you prior notice as per the *Standing Orders* of the Legislative Assembly, which require me to give you one hour's notice.

My point of privilege deals with the right of Members of the Legislative Assembly to receive material. Given certain decisions made over the last year, I have a great deal of difficulty understanding which decision stands and applies in the case of the Legislative Assembly. The first was made April 23, 1981, and the decision is in *Hansard*:

It would seem to me that in order to establish a basis for a prima facie case of privilege, it would be necessary to show that hon. members had some right to prior release of the information simply because it was previously released to someone else. I'm unable to find any such right anywhere in parliamentary lore or tradition.

However, yesterday a decision was made in this regard, and if I may quote:

When something comes to the floor of the House that is to be dealt with by a number of members, I also have the duty to see that they should know what it's all about.

The obvious discrepancy here is that in one case it is said that hon. members had some right to prior release of the information, and in the other case it's said that they don't. At the time the first decision was made, the argument was in regard to members' prior right to release of information simply because it was previously released to someone else. The final decision on that was:

I must therefore say that there does not appear to be any question of privilege or even of a prima facie case of privilege.

The quotation goes on to say:

I'm unable to find any such right anywhere in parliamentary lore or tradition.

The question I must pose to you, Mr. Speaker, is: what change has there been in parliamentary lore or tradition since April 23, 1981, when you ruled that there wasn't any necessary case, in terms of parliamentary lore or tradition, for supplying information to members beforehand?

The issue arises from the events of yesterday: the first question of privilege at this point in time in question period; then the issue that came up last night, when it was pointed out that information had been presented to you, sir, and you had undertaken to provide it to the Legislative Assembly. The argument was made — I think supported by this decision made by you on April 23, [1981] — that inasmuch as the point of privilege was not allowed to stand, the material being presented by the member was presented in the right of expectancy. The member expected that he would be able to rise on the point of privilege, as per Standing Order 14(2) of this Legislative Assembly. Inasmuch as he was not able to do

so, it would follow that the material he presented on that understanding, in that right of expectancy, should remain his.

Until these two diametrically opposed decisions can be reconciled, I don't know where we stand in regard to the rights of Members of the Legislative Assembly. That subject should be addressed here this afternoon and the difference reconciled, so we can proceed accordingly.

MR. R. SPEAKER: Mr. Speaker, speaking to the point of privilege. First of all, I want to be fair as a member and certainly reasonable in my comments with regard to the Chair of the Speaker. In turn, on a number of occasions you have said that in your office you want to be fair and reasonable with members of the Legislature.

I want to make two points in support of your consideration of this point of privilege. First, with regard to my office and my relationship with you, Mr. Speaker: yesterday in the Assembly I said I always felt that information provided to you, specifically with regard to a point of privilege, was given on a confidential basis. I must say that remarks last evening in the House which indicated ...

MR. SPEAKER: Order please. The hon. leader is not speaking to the point of privilege. We're now dealing with a matter of confidence. Would the hon. leader deal directly with the point of privilege.

MR. R. SPEAKER: Mr. Speaker, in terms of my confidence and confidence in your office as such, I'm left not knowing what to do in situations where I wish to raise a point of privilege. My trust has been shattered. I feel that trust should exist, so the responsibilities I as a member have in this Legislature and the responsibilities of other members of this Legislature can be clearly carried out, and we can function in an atmosphere of harmony, with no misunderstanding. I don't feel it's that way at the present time.

If the point of privilege raised by my hon. colleague from Calgary Buffalo is not clarified, it will make my job and the jobs of other members of this Assembly very, very difficult — I would even say impossible. Everything we would do, even in other areas, where the Speaker and members of this Legislature must act in an atmosphere of trust and confidentiality, there would be a lack of that trust and confidentiality. At times I would feel that anything I provide to you, Mr. Speaker, may be given to the government side of the House. With that loss of trust, I would feel I could not accomplish my responsibility. It's incumbent upon you, sir, to bring that trust back into this Legislature, so all members of this Legislature know we can work within that environment.

When you were elected Speaker in this Legislature, I think one of the initial duties taken on by the Speaker was to assure members that they would have fair and equal treatment, that they could come to you in confidence with various problems they might have, and that those problems in turn could be presented in whatever manner and in the best form in this Legislature. Mr. Speaker, that confidence has been shattered. I haven't that confidence at the present time. I certainly would support that you accept this point of privilege, and deal with it to clarify the matter.

MR. KING: Mr. Speaker, a question of confidence in the office of the Speaker is obviously an important question and worthy of the consideration, if only privately, of all

members of the House. But a question of confidence in the Speaker is not a question of privilege. If I could quote Anson, who is in turn quoted by Lord Compton, questions of privilege are of three types. They relate to:

- (1) disrespect to any Member of the House, as such, by a non-Member;
- (2) disrespect to the House collectively, whether committed by a Member or any other;
- (3) disobedience to the orders of the House, or interference with its procedure, with its officers in the execution of their duty, or with witnesses in respect of evidence given before the House or a Committee.

Mr. Speaker, I would respectfully submit that the point raised by the hon. Member for Calgary Buffalo, important though it may be, is not a question of privilege.

I believe that Votes and Proceedings for yesterday effectively undercut the proposition made by the hon. member. "Point of Privilege" — and I am quoting from yesterday's Votes and Proceedings:

Mr. Notley, Hon. Member for Spirit River-Fairview, rose on a Point of Privilege. Mr. Speaker advised the Assembly that the requirements of Standing Order 14 had been met and that he would take the complaint under advisement and review supporting documentation provided by Mr. Notley and report to the Assembly at a future date.

The steps related to the consideration of a question of privilege are, first of all, that a charge must be made in a process by which the Speaker is advised of the hon. member's intention to make the charge. That was done, and Votes and Proceedings report that that happened. We are not yet at the stage of having considered whether or not there is a *prima facie* case of privilege nor, obviously, not having yet concluded that consideration, have we advanced beyond that. But as I understand the Votes and Proceedings, we have an acknowledged declaration by an hon. member, received by the Speaker of the House, that he intends to argue that there is a *prima facie* case of privilege. You, Mr. Speaker, have said that when the person against whom that charge is made is in attendance, appropriate discussion will take place in the House as to whether or not there is a *prima facie* case of privilege, and that after that you will make a ruling as to whether or not there is a *prima facie* case.

Mr. Speaker, I submit that the description in Votes and Proceedings of the point of privilege and of the disposition of the point of privilege by you yesterday, negates the argument. I further submit that in any case it is not a point of privilege as described by Anson.

MR. NOTLEY: Mr. Speaker, rising on the point of privilege raised by the hon. Member for Calgary Buffalo. I want to deal with two items: first of all, the point of privilege raised by the hon. Member for Calgary Buffalo; then to respond to the comments made by the hon. Minister of Education, because they relate very clearly to the decision of the Chair yesterday. In view of the Chair's entertaining the comments of the hon. Minister of Education, I would assume that in fairness any response to those comments would be equally in order.

Mr. Speaker, what the hon. Member for Calgary Buffalo has indicated is with respect to a decision you made on April 23, 1981, with respect to the distribution of information. I think it's worth citing again. It's on page 285, in case hon. members wish to examine it.

It would seem to me that in order to establish a basis for a *prima facie* case of privilege, it would be

necessary to show that hon. members had some right to prior release of . . . information, simply because it was previously released to someone else.

In this case, the someone else would be you, sir. In the case of the point of privilege last spring, it was the press.

This is the point you make:

I'm unable to find any such right anywhere in parliamentary lore or tradition. I must therefore say that there does not appear to be any question of privilege or even of a *prima facie* case of privilege.

The operative words: "I am unable to find any such right anywhere in parliamentary lore or tradition".

Mr. Speaker, in your observations to this Assembly yesterday, you made the point that:

Now the person being charged has the right to know what he's being charged with.

You then go on to say that all members have a right to know.

Mr. Speaker, there is a distinct difference between the two statements you have made to this House: a difference in the statement of April 23 from the statement made yesterday during the judgment you rendered on the question of privilege I raised. I think it is imperative and mandatory on your part that you reconcile that difference. For the reasons the hon. Leader of the Opposition as well as the hon. Member for Calgary Buffalo have advanced, I think we must know what the guidelines are. Those guidelines must be consistent with not only the decisions you have previously made in this House but the traditions of our parliamentary system elsewhere.

Mr. Speaker, I want to deal with the point the hon. Minister of Education raised, and make reference to certain observations you made in the House in terms of making a decision. The hon. Minister of Education talked about a charge. Of course no one really knows, because the opportunity to state the question of privilege was not given to me in the House. I regret that. You made that decision yesterday. But I think it would have been helpful, had my point of privilege been clearly stated in the Legislative Assembly as per Standing Order 14.

During the course of your remarks, Mr. Speaker, you talk about the highest court of the province. You then go on to say:

Now the person being charged has the right to know what he's being charged with. . . . One of the first things a prisoner has to know in that kind of proceeding is the charge.

Mr. Speaker, in our system, there is no charge until the Speaker has ruled per Standing Order 14 that there is a *prima facie* case for privilege. The whole question of how it's dealt with, whether in a court-like procedure or referred to the committee on privileges and elections, is the prerogative of the House. It's only at that stage that in any way, shape, or form, can any reference be made to court-like proceedings. Until that stage, sir, it is simply a request on a matter of privilege, raising the issue to establish whether a *prima facie* case exists. Your responsibility, as Speaker of this Legislature, is only to render a judgment as to whether a *prima facie* case exists. What then happens, including whether a charge is made, is the property of the Legislative Assembly and not your decision in any way, shape, or form. Your responsibility is simply the narrow definition as to whether or not a *prima facie* case exists. Before you make that judgment, you have not only the right but, I would suggest, the obligation to hear the initial observations of members of the Assembly, but only as they relate to establishing a *prima facie* case.

Mr. Speaker, I think it's extremely unfortunate that we got into the kind of debate that occurred yesterday because, in the letter I sent to you I made the point that I had no objection at all that until you had an opportunity to hear from the hon. Premier, you would reserve the decision on whether or not a *prima facie* case existed. That would only be fair.

MR. KOZIAK: Mr. Speaker, on a point of order. I wonder if I'm hearing from the hon. Member for Spirit River-Fairview his opening remarks on the motion Mr. Speaker proposes to bring to the attention of this House on Thursday. As I read the responsibilities of the Speaker and as I read the point of privilege of the hon. Member for Calgary Buffalo, he is suggesting that his point of privilege is some inconsistency in the decision of the Speaker. If that is the case, that is not a point of privilege; that is something that can be dealt with in the same fashion . . .

MR. SPEAKER: Order please. It seems to me that the hon. minister is debating the point of privilege and not a point of order, which I understood he was going to allege in regard to remarks made by the hon. Member for Spirit River-Fairview.

MR. KOZIAK: Mr. Speaker, my point of order is just that. First, a decision of the Speaker is to be dealt with in the fashion of the notice of motion which appears on the Order Paper and not by a rehash of that decision on a point of privilege, raised today, which anticipates a discussion tomorrow.

I think if we talk about duties of the Speaker, Mr. Speaker, we look at *Beauchesne*, page 39, reference 120:

Foremost among his responsibilities, the Speaker has the duty to maintain an orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order. He rules on points of order [which have been] submitted to him by Members on questions as they arise.

Mr. Speaker, my point of order is that the hon. Member for Spirit River-Fairview is not speaking to the point of privilege raised by the hon. Member for Calgary Buffalo but is in fact providing us with his arguments on a notice of motion which appears on the Votes and Proceedings and which will be debated in due course in this Assembly. He should restrict his remarks to the point of privilege raised.

MR. SPEAKER: I agree that the hon. Member for Spirit River-Fairview was out of order in dealing at length with what occurred yesterday. That is a point which is of course out of my hands and awaits the resolution of the Assembly.

I realize that the pretext given for extending the discussions in that direction was a remark made by the hon. Minister of Education. If I recall correctly, he said that in this case, the person charged was before the Assembly. That is the reason I am hearing this point of privilege, and I didn't hear the one yesterday. It would seem to me to be a monstrous exercise in unfairness to have charges read — and there is a charge. Well, I'll deal with that later. The hon. Member for Spirit River-Fairview may wish to continue his remarks.

May I suggest, with great respect to hon. members, I noted the expressions of regret by the hon. Leader of the

Opposition with regard to what occurred yesterday. I accept that, but I think we should now follow proper procedure; in other words, anyone who wants to speak on the point of privilege, within limits — I hope there wouldn't be too many, because the same arguments will be repeated — will speak. Then I'll deal with the point of privilege, and that will conclude the matter. There will be no indirect appeals or aspersions concerning the fairness or unfairness of the ruling. If the ruling is not agreed with, it may be appealed in the ordinary way. I just say that in case there are hon. members who perhaps think that because there was a substantial amount of irregularity yesterday, that will be repeated today. That's not the case.

MR. NOTLEY: Mr. Speaker, in continuing the discussion of the point of privilege, indeed I was responding to comments made by the hon. Minister of Education.

My observation with respect to the specific point of privilege advanced to this Assembly by the hon. Member for Calgary Buffalo is that in the spring you, sir, indicated that hon. members did not have a right. In your judgment yesterday, you made it very clear in your statements to this Assembly that in fact they did.

Mr. Speaker, I think there is no question that that is the issue that must be completely reconciled. The Member for Calgary Buffalo has asked — I think appropriately — as you made reference to parliamentary lore and tradition, that in the intervening eight months . . . I think it would be useful for members of the Assembly to have identified the additional citations and information which have come to your attention which make a judgment on November 24 correct, even though on the face of it it seems totally inconsistent with a judgment made on April 23. I would say to the members of the House and to you, sir, that as the Leader of the Opposition pointed out, at stake here is the question of the fairness members sense when they take information to the Speaker as part of the presentation of a case.

MR. SPEAKER: Order please. If the hon. member is raising again the question of breach of confidentiality, that is not at issue. The issue here is quite specific and narrow; that is, whether there have been two conflicting rulings by the Chair.

MR. KOZIAK: Mr. Speaker, on the point of privilege raised, I suggest there is no point of privilege. In fact, if there is a point of privilege that should be raised, it is one that would be raised by other members in the approach taken in raising it.

I refer hon. members to page 38 of *Beauchesne*, article 117. This refers to the duties of the Speaker as presiding officer of the House of Commons.

He calls upon Members to speak and in debate all speeches are addressed to him. When he rises to preserve order or to give a ruling he must always be heard in silence. No Member may rise when the Speaker is standing. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege.

With all due respect to some of my colleagues, yesterday a number of these occasions arose.

His actions cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion.

The hon. Member for Calgary Buffalo today raises, by a point of privilege, a matter that should only be raised, in

accordance with *Beauchesne*, by "a substantive motion". In the course of his weak, suggested point of privilege, he is suggesting that there has been a breach of the privilege. In fact, the opposite is the case. By his suggestion, he has reflected on the actions of the Speaker, which in itself can be punished as a breach of privilege.

Mr. Speaker, I respectfully submit that in fact there is no point of privilege that can be reached, and that there is no *prima facie* case of a point of privilege. If the hon. member disagrees with the decision of the Speaker, he knows his course of action. There's a precedent on today's Votes and Proceedings. He may wish to appeal the one of April 14, or whatever the date raised, but that may be a little late. That's the approach he should be taking.

MR. KING: Mr. Speaker . . .

MR. SPEAKER: The hon. member has spoken already. Unless there is a point of order, I can't see any reason the hon. member should speak again in this discussion.

MR. R. SPEAKER: If you speak, I speak.

MR. KING: Mr. Speaker, on a point of . . . Definitely called thinking on your feet. [interjections]

I only preface my remarks with this observation, Mr. Speaker: on discussing a question of privilege, such as this, I'm not aware that the *Standing Orders* of the Assembly, which limit a person to speaking once, operate as long as a member has something to add to the elucidation of the issue. If Mr. Speaker is of the opinion that the standing order limiting a person to speaking one time only is in effect on this occasion, I'd respect the ruling of the Chair.

MR. SPEAKER: As I recall it, the standing order says that a certain amount of debate may be permitted. Presumably if there's debate, the rules of debate will apply. Is there any member, of whatsoever persuasion or allegiance, who has not yet spoken and would like to say something now?

Speaker's Ruling

MR. SPEAKER: I have considered this alleged contradiction — "discrepancy" is the much more courteous word used by the hon. Member for Calgary Buffalo. As far as the matter of substance is concerned, the circumstances were totally different. It is really somewhat astonishing to say that because there isn't a right to something, it's wrong to provide that something. However, that's in passing.

This really is — not disguised; that wouldn't be fair — an indirect attempt to appeal a Speaker's ruling. I assume that would apply to the one yesterday, the other one having occurred some time ago. It's an indirect way of appealing a Speaker's ruling because it is allegedly inconsistent with a previous ruling. There is no way I can deal with this as a question of privilege. As hon. members know, howsoever the Speaker's remarks may fall short of the ideal — and I would allow that on a rare occasion, they do — once a ruling is given, it belongs to the House.

If a ruling was made yesterday which an hon. member would like to deal with further, I don't know whether he is still in time. When something like that occurs, the Standing Order with regard to privilege requires that it be raised right away, which is the first opportunity. In any

event, there is no *prima facie* case of privilege here whatsoever. As I said, it's an indirect attempt to appeal.

MR. R. SPEAKER: Mr. Speaker, I'd like to raise a point of order that I think is equally as serious as the one that has just been raised. Yesterday, we talked about a point of privilege. The hon. member attempted . . .

MR. SPEAKER: Order please. Is the hon. leader raising a point of order with regard to something that occurred yesterday, or is it with regard to something that occurred today?

MR. R. SPEAKER: Mr. Speaker, I can't stand up until you sit down.

MR. SPEAKER: I'm glad to hear that. [laughter]

MR. R. SPEAKER: If we want to bring some respect to the House, the members, and the Speaker, we follow the rules. That's what I'm attempting to do. [interjections]

Mr. Speaker, my point of privilege is very clear. It's on today's Order Paper.

MR. SPEAKER: Privilege or order?

MR. R. SPEAKER: A point of order is what I'm speaking to. It's with regard to the Votes and Proceedings of the Legislative Assembly, Tuesday, November 24, received by us today. The first item on those Votes and Proceedings is a "Point of Privilege". Mr. Speaker, I want to make it very clear that this Assembly has not had a point of privilege from the hon. Member for Spirit River-Fairview. It is on Votes and Proceedings as if accepted by the Assembly. I think that is in error and wrong.

It was very clear yesterday in our discussion that you, as Speaker, would not accept it. It has not been raised. We haven't given the hon. member the opportunity of even withdrawing documents that were sent to your office. I think this is a very flagrant error, because it was used as substance by the Minister of Education to support his arguments — and I won't put in the adjective I had in mind. I think that as well is a misuse of us in the opposition. I think it's part of a scheme to put down what we're trying to do.

MR. SPEAKER: Order please. Let's not get back to accusing people of scheming. In the spirit of the hon. member's earlier remarks, I think the integrity of other members should be accepted, as I accept that of the Leader of the Opposition.

MR. NOTLEY: Mr. Speaker, on the point of order, if I may. The point of order the Leader of the Opposition has raised relating to Votes and Proceedings is quite fundamental. Votes and Proceedings imply very clearly to Albertans who read this and who don't have an opportunity to peruse *Hansard* that a point of privilege was raised. In fact, what occurred — and it must be made absolutely clear — is that I as a member complied, as I had to, with Standing Order 14(2); in other words, I gave at least one hour's notice to the Speaker.

Unfortunately, as one reads this, one would think I had the opportunity to raise the point of privilege in the normal way as, to my understanding, has been done in every other case with respect to a point of privilege in the last 10 years that I've been a member, and is normally

followed in every other legislature in this country and parliament within the Commonwealth. Unfortunately, that was not the case. Votes and Proceedings do not clearly indicate what the case was.

I would say that as the servant of this House, Mr. Speaker, it would be appropriate for you to correct Votes and Proceedings tomorrow and indicate in a specific manner, through Votes and Proceedings, what did occur so by reading Votes and Proceedings Albertans are not misled in any way into assuming that the normal customs and practices of this Legislature or other parliaments within the Commonwealth were followed.

MR. CRAWFORD: Mr. Speaker, I would like to make a comment in regard to the matter that has come up respecting Votes and Proceedings. I listened carefully to the Minister of Education when he referred to that minute — and I don't know whether or not he wants to make any further remarks in that respect — but I also listened carefully to the balance of what he said. Based on what happened yesterday, he clearly described the sequence of occurrences and the present situation in respect of the point of privilege. So the Minister of Education accurately described what happened. However, I have in mind no precedent, no previous occasion that comes to mind when matters like this came up before, other than as the purest routine in regard to members wanting to make corrections in respect of their own remarks in *Hansard* or something similar. Those are usually made on the basis that the member involved refers to it.

In this case, if some hon. members have doubt about the accuracy of a minute that was made yesterday following the proceedings but obviously is less complete than what *Hansard* would show, I suggest that the staff of the Assembly having authored the Votes and Proceedings may, at the direction of the House, simply review *Hansard* and the minute and report back in due course to the Assembly, perhaps through you, Mr. Speaker, as to whether or not they recommend that any change be made, based on what is found in *Hansard*.

MR. KING: Mr. Speaker, with respect to the point of order, the comments of the hon. Attorney General are very valid. Perhaps we can make a pertinent beginning to that. The point of privilege yesterday reads:

Mr. Notley, Hon. Member for Spirit River-Fairview, rose on a Point of Privilege.

Yesterday's *Hansard* [Blues] quotes Mr. Notley to this effect:

Mr. Speaker, before we get into the routine of the day, I'd like to rise on a point of personal privilege. He then goes on and makes a remark. The Votes appear to conform to the *Hansard* [Blues] record.

The Votes say:

Mr. Speaker advised the Assembly that the requirements of Standing Order 14 had been met. . . .

Mr. Speaker is quoted in *Hansard* [Blues] as having said: The notice has been given. The requirement for dealing with the matter at the first opportunity has probably been met.

Votes and Proceedings said that the Speaker would take the matter under advisement and review supporting documentation provided by Mr. Notley and report to the Assembly at a future date.

Hansard [Blues] yesterday reports Mr. Speaker to have said that it will be

necessary to postpone consideration of it for a least a day or two until I can examine the material.

All hon. members may wish to refer to yesterday's *Hansard* to see whether or not the description of the point of privilege conforms as I have suggested it does.

With respect to the point of order raised by the hon. the Leader of the Opposition and the point alluded to earlier by the hon. Member for Spirit River-Fairview, I believe there is a misunderstanding about the nature of privilege. There is absolutely no question that a point of privilege constitutes a charge and, indeed, the hon. member who makes the charge is responsible for the validity or the correctness of the charge from the time it is first made.

Our own Standing Order 14 refers to the "alleged breach of privilege". An allegation is a synonym for a charge. I'd refer hon. members to annotations 81, 82, 84, and 85 in *Beauchesne*. There is absolutely no question that a question of privilege constitutes a charge against an individual, a member, or a number of members. The question of establishing whether or not there is a *prima facie* question of privilege does not relate to a determination about whether or not a charge should be made. It relates to the question of whether or not on its face there is enough evidence to support a charge which has been made. The hon. member has raised a point of privilege. *Beauchesne* makes it abundantly clear that he has charged the Premier with a breach of the privilege of the House.

MR. NOTLEY: On a point of order, Mr. Speaker. [Inaudible] really relates to the Votes and Proceedings. The hon. Minister of Education is attempting to outline his view on what should happen with respect to the matter of privilege. We are dealing with the question raised yesterday. We are now dealing with whether or not the information contained in the Votes and Proceedings is accurate and complete.

MR. SPEAKER: Precisely. If I heard him correctly, the hon. Member for Spirit River-Fairview denied that he had raised the point of privilege. He said he wasn't given the opportunity, and that consequently this minute in our Votes and Proceedings is in error. Now as I understand it, the hon. Minister of Education is taking some issue with that, and is attempting to establish some relationship between *Hansard* and what's in Votes and Proceedings. I see nothing out of order with that.

MR. SINDLINGER: If I may speak to the point of order, Mr. Speaker. I will attempt to use the same references the Minister of Education has, but perhaps just add a few more words which he has left out and which I think shed a different light on the matter.

My first reference is to the 5th edition of *Beauchesne*. It defines what Votes and Proceedings are, Annotation 149 on page 46. There are two paragraphs, but the essence of the paragraphs is that the Votes and Proceedings "record all that is, or is deemed to be, done by the House", and it goes on. Now I have the Votes and Proceedings for today, and the first item is a "Point of Privilege", indicating that the Member for Spirit River-Fairview rose on a point of privilege. In fact, he did that. However, the Votes and Proceedings go on to say that the requirements of Standing Order 14 had been met. I would submit to the Assembly, and for your consideration, that in fact the requirements for Standing Order 14 were not met.

Standing Order 14 reads simply:

(2) A member wishing to raise a question of privi-

lege shall ...

Then it gives the requirements for notice, et cetera. After giving this notice, it says that the member

shall ... call attention to the alleged breach of privilege and explain the matter.

Quite clearly, Mr. Speaker, as the Minister of Education has pointed out, the Member for Spirit River-Fairview was not able to call attention to the alleged breach of privilege and explain the matter. Before he could do so, you rose and stopped him. Therefore, this is not an accurate representation of what happened yesterday. Standing Order 14 has not been met and fulfilled in its entirety. These Votes and Proceedings do not accurately reflect what occurred in the House yesterday. I ask your consideration, and ask you to direct your attention to that, inasmuch as I understand that you are responsible for these things.

MR. YOUNG: Mr. Speaker, may I deal with the point of order which has been alleged. The Votes and Proceedings explicitly say:

Mr. Speaker advised the Assembly that the requirements of Standing Order ... had been met

That is in fact what the Blues state. It is not a question of whether it is the interpretation of the members that in this case Mr. Speaker's statement in Hansard Blues is correct, rather that the statement that is here in the Votes and Proceedings accurately reflects the events of the day. I submit that my hon. colleague from Calgary Buffalo, in making his submission that the record is not correct, would be in error inasmuch as he omitted to observe that the quotation to which he was referring from the Votes and Proceedings begins with "Mr. Speaker advised the Assembly that". That is what the Blues state, as I read them and has been gone into.

So I come back to the point that in my judgment the Votes and Proceedings are an accurate record of what occurred, whether in fact the record is what some persons in the Assembly would like to have had occur, or whether they judge that someone's statement that goes into the record was correct.

MR. NOTLEY: Mr. Speaker, on the point of order: I think it would be appropriate to read again ...

MR. SPEAKER: Order please. The hon. member has spoken on the point of order, and you can't have a point of order on a point of order, and so on *ad infinitum*.

MR. NOTLEY: Mr. Speaker, I find this rather interesting, because over and over we've had so many cases that it would be hard to even recount them, where we've had second, third, and fourth speeches on points of order.

MR. SPEAKER: Precisely. And I think that speaks for itself.

MR. NOTLEY: So we now apply the rule?

MR. SPEAKER: Irregularity is like a prolific rabbit. You let a pair in, and pretty soon you've got a whole flock. We've had that experience, and I apologize for any excessive laxity of mine that may have caused the House to lose time in the past. I don't think it's out of order at any time to return to the rules of order.

MR. R. SPEAKER: Mr. Speaker, on a point of order. I would appreciate very much if you would cite the au-

thority on which that decision with regard to a person not being able to speak more than once on a point of order is made.

MR. SPEAKER: With respect to the hon. leader, I just dealt with that, when the same point was raised by the hon. Minister of Education.

MR. R. SPEAKER: A point of privilege.

MR. SPEAKER: It doesn't matter. The length of debate is at the discretion of the Chair. It says so clearly in the *Standing Orders*. I'm exercising my discretion so we don't waste the time for which we've been sent here.

MR. R. SPEAKER: It's not a House rule.

MR. SPEAKER: The House rule deals with debate on both questions of privilege and points of order. All I'm suggesting is that we return to some orderliness.

MR. NOTLEY: Mr. Speaker, on a point of order. The House, sir, is bound by decisions you have made. The decisions you've made become a precedence of this Legislature. For 10 years, you have allowed this kind of wide-ranging debate on points of order, in my judgment quite properly. All of a sudden, on the road to Damascus, today you discover the rule book. Mr. Speaker, that really won't wash with the people of Alberta, in my judgment. And I say to you ...

MR. SPEAKER: Order please. If I was on a horse, it wasn't a high horse. The fall wasn't great. This is a matter of discretion and it depends on the circumstances. The circumstances and atmosphere in the House today, as a result of yesterday, are considerably different from what they have been in the past. As I said to the hon. member last week, on a similar occasion, if I am going to be taxed with every exercise of latitude, then clearly I mustn't exercise any more latitude. Sure, I agree that we've had many wide-ranging debates when members have got up as many as three or four times on a point of order. That does not establish a right. The *Standing Orders* are there. I regret I can't accept the hon. member's point of order.

Is there anybody else who wants to speak, who hasn't spoken before and has something new to add with regard to the point of privilege as to the contents of the Votes and Proceedings?

MR. CRAWFORD: I don't want to speak again, but ...

MR. SPEAKER: In that event, I am unable to hear the hon. minister.

MR. CRAWFORD: If I might, Mr. Speaker, I would just try this for your consideration, to see whether or not it's acceptable. I used the word "suggestion" when I spoke earlier. I really hoped hon. members might act on it. I think that without arguing ...

MR. NOTLEY: Mr. Speaker, on a point of order. You just made a ruling [inaudible].

MR. SPEAKER: Order please. As I understand ...

MR. NOTLEY: So there are not two rules. Let's get that straight.

MR. SPEAKER: Order please. I'm just waiting to see what the hon. minister is going to say.

MR. NOTLEY: He has to get up on something. He has to get up on a point of order.

MR. SPEAKER: I'm waiting to see what the hon. minister is going to say, to see whether what he is saying is genuinely an explanation of something that might have been misunderstood in what he said before ...

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: ... which is perfectly in order; abundant respectable texts support that. Let's just wait a moment before we jump to judgment.

MR. CRAWFORD: Mr. Speaker, I won't attempt in any way to deal with any merits of what's been said up until this point. I simply want to make the motion that I made as a suggestion before: that the authors of the Votes and Proceedings, being the staff of the Assembly, be directed by the Assembly to review the matter in conjunction with *Hansard* and report back as to whether or not ...

MR. NOTLEY: Have you given notice?

MR. SPEAKER: Order please. It would seem to me that the hon. minister is in fact repeating what he said previously. Is there anyone who has not spoken on this point of order and has something new to add?

MR. SINDLINGER: Mr. Speaker, I'm rising pursuant to Standing Order 12(2). I'm having difficulty understanding why in one instance the Minister of Education was allowed to stand and speak a second time and, through some witticism in regard to thinking on his feet, was allowed to continue. Yet we have another member here who could have used the same witticism and said, sir, I am thinking on my feet. Now the circumstances haven't changed ...

MR. SPEAKER: Order please. I regret interrupting the hon. member. My recollection — and surely there are plenty of witnesses — is that the hon. Minister of Education spoke first on a point of privilege, which was disposed of, then he spoke on the point of order with regard to the contents of the Votes and Proceedings. I am not aware of the minister having spoken twice. If he did, I apologize. [interjections]

MR. R. SPEAKER: Mr. Speaker, I rise as well on 12(2) and read that section to you:

Mr. Speaker shall explain the reasons for his decision upon the request of a member.

Just a few moments ago, I asked for an explanation of the rule the Speaker is standing on that says I can only speak once on a point of order. The only rule you've given me is the fact that you want us to only speak once so the debate is short, and we don't say too many things that we shouldn't. But there's no other rule. Normally there is limitation of debate in the rules. I don't recall any rule that says you can only speak once on a point of order. If new information can be raised the second time I rise on a point of order, then I should be able to rise in my place. I do ...

MR. SPEAKER: Order please. [interjections] The hon. Leader of the Opposition is asking for my reasons under Standing Order 12(2), which he's entitled to do. I have given my reasons. I have nothing to add. If they're not satisfactory, that may be a matter of regret, but it doesn't provide grounds for extending the reasons.

MR. R. CLARK: Mr. Speaker, speaking to the point of order before the Assembly. Might I simply make one suggestion, sir: before you rule on the matter before the Assembly, it would be for the benefit of the Chair, perhaps, and for the benefit of the Assembly, if the Chair were to refresh its memory and the memory of all members of the Assembly on a point of privilege raised against myself by the former member, Mr. Yurko, and how that matter was reported in the Votes and Proceedings on that particular occasion. Mr. Speaker, if my memory is accurate, I believe you would find that the recording in the Votes and Proceedings on that occasion is very close to the recording in the Votes and Proceedings today.

On that occasion when that member raised that matter that dealt with the question I'd raised with regard to land in the Vegreville area — and I had the responsibility as Leader of the Opposition — Mr. Speaker ruled at a later time. I could be corrected, but if my memory is accurate the commentary in the Votes and Proceedings on the following day is very close to the substance in the Votes and Proceedings today. In my judgment, although I was not here yesterday, what I'm told happened yesterday and what happened on that day that I remember very well, is entirely different.

MR. SPEAKER: Have hon. members who wish to speak to the point of order with regard to the contents of the first item under yesterday's votes spoken?

This is something for which I accept responsibility. It may be that it doesn't accurately reflect what happened. I'm not sure; I haven't checked *Hansard*. I wasn't aware that this point was going to be raised and, in fairness, there was no need to give me notice either. But I'll look into the matter and report to the House. I'll make the necessary changes or ask the staff to do it.

head: NOTICES OF MOTIONS

MR. R. SPEAKER: Mr. Speaker, I would like to request unanimous consent of the House to designate Motion No. 223, which stands in Votes and Proceedings as the designated motion tomorrow, Thursday, November 26, so that we as the opposition can lead off on that resolution. I ask unanimous consent of the Assembly to designate that.

MR. SPEAKER: May I perhaps do something somewhat unprecedented. It seems to me that since this involves the Chair and therefore involves the House, because obviously the Chair is there for the purposes of the House, it might be a prudent and advisable thing for this motion to be discussed at a very early opportunity. Might I make a respectful request of the Assembly that that wish be given consideration.

MR. CRAWFORD: Mr. Speaker, certainly I've no objection to concurring to the request for unanimous consent. The hon. leader may have perceived or thought that I would have given some consideration to what is in

Votes and Proceedings by way of notice from him, since it appeared there. I'm assuming that this is the same or similar motion to the one requested yesterday. At that time, of course we hadn't the foggiest idea what he was proposing, and he was asking that it be dealt with then without saying what it was. If I'm anywhere near the mark, Mr. Speaker, I would just add that we would be willing to give unanimous consent that it be proceeded with today.

MR. SPEAKER: Is there unanimous consent that Motion 223 supercede the ordinary business of today on Votes and Proceedings and that it come to debate today?

HON. MEMBERS: Agreed.

MR. SPEAKER: It is so ordered.

head: **TABLING RETURNS AND REPORTS**

MR. BOGLE: I would like to file with the Assembly copies of two pieces of correspondence. The first is a letter to the Ombudsman of Alberta, Dr. Ivany, dated April 21, 1981. The second is a copy of a letter to Mr. John Booth, the president of the Alberta Union of Provincial Employees, dated November 3, 1981. Among other things, these letters contain reference to the role of the Ombudsman at both Alberta Hospital Edmonton and Alberta Hospital Ponoka. A request was made by the hon. Leader of the Opposition that copies of this correspondence be made available to the Assembly. I now have the concurrence of both Dr. Ivany and Mr. Booth for the same.

head: **ORAL QUESTION PERIOD**

MR. R. SPEAKER: No questions.

Highway Construction

MR. L. CLARK: Mr. Speaker, my question to the hon. Minister of Transportation is in regard to safety on Highway No. 1 east of Strathmore, where serious accidents are continually arising. Last week a family of five were killed and five more were seriously injured. In view of the commitment the government has made to twin the Trans-Canada and Yellowhead highways within the next 10 years, could the minister inform the Assembly if there will be special funding for these two highways over and above the regular highways funding?

MR. KROEGER: Mr. Speaker, we did develop a 10-year program to upgrade 1 and 16. I hope we can now call it a nine-year program; we've completed 1981. I can assure the member that we will substantially increase the building activity on both highways next year.

MR. L. CLARK: A supplementary, Mr. Speaker. Could the minister assure the Assembly that there will be continued construction each year on these two highways, to ensure that they are completed within the nine-year period as he now says?

MR. KROEGER: Mr. Speaker, I wouldn't be able to commit very many years down the road. I would certainly be prepared to stay with any commitment I am making

now. I am prepared to say that a year has gone by in the 10-year program, and the work has been done. I'm prepared to make a commitment that we will increase the amount of construction for 1982. I am prepared to recommend to government that the activity be maintained over the 10-year period I have identified. I wouldn't be able to go beyond that.

Mortgage Rates

MR. PAHL: Mr. Speaker, my question is for the Minister of Consumer and Corporate Affairs and perhaps the Attorney General. It has come to my attention that although there is a period of declining interest rates for mortgages, some mortgage companies in the situation of mortgage renewals are holding to their mortgage rate of the first communication with the person renewing their mortgage or, alternatively, are saying that because of increased risk because of the burden of payments, they now qualify for a higher mortgage rate. Has either of the two hon. gentlemen's departments considered some way to influence or stop this not so subtle form of usury on the part of certain mortgage companies?

MR. KOZIAK: Mr. Speaker, as all hon. members are aware, the heading of "interest" appears in the British North America Act under Section 91, which lists the federal powers, not provincial powers. As a result, there are some areas in which the provincial governments can be involved and others in which the provincial governments cannot.

In the Department of Consumer and Corporate Affairs, we involve ourselves with respect to interest in terms of insuring there is a proper disclosure of the rate, that type of thing, and are prepared to assist in those areas. We're also prepared to assist in the provision of advice relative to credit matters. It may well be that this service we afford to the public might be useful in the circumstances the hon. member raises. I would invite members of the public to make use of that service.

MR. PAHL: Mr. Speaker, a supplementary question. Perhaps this is one on which the Attorney General may wish to supplement the answer. Part of the bind, if you will, that mortgage companies put to individuals renewing is the fact that in order for them to seek out the market, it may cost up to \$1,000 to resurvey the property, reregister a mortgage, and the like. This puts a considerable constraint on an individual's opportunity to shop the mortgage market. Could either gentleman indicate to the Assembly whether there is any possibility that some of the costs associated with another financial institution taking over an existing mortgage could be ameliorated or reduced.

MR. KOZIAK: Mr. Speaker, my colleague the Attorney General may want to respond from the point of view of the cost to the Land Titles Office, but generally it's been the experience that the existing mortgage holder, the mortgagee, normally would provide a rate that would even be somewhat less than would be the case were the mortgagor to seek new financing, sometimes in the vicinity of perhaps 0.25 per cent. There is an advantage to the mortgagor not to have to go through the paperwork, as well, in relending the same funds. That advantage is usually expressed as an offer of a somewhat lower rate to an existing mortgagor than would be the case to a new mortgagor.

I would think that in the normal course of business, with appropriate discussions, the case the hon. member has raised should in fact be a very rare one, rather than one that would crop up on a regular basis. The individual mortgagor should find himself in the position where, if he is dealing with a reputable financial institution, he would probably obtain a better deal there than he would by going elsewhere. Perhaps that individual may be encouraged to speak to the higher-ups within the organization, to see if that may not be the case.

MR. PAHL: Mr. Speaker, I have some difficulty forming this in a question, but it might supplement the minister's response. I am finding it happening in certain cases, although I don't have the documentation for how many financial institutions are involved. Perhaps the Assembly could appreciate that once a person's proportion of disposable income relative to mortgage payments moves from, say, 30 per cent to 50 per cent, in actuarial or statistical terms, they all of a sudden become a greater risk. The existing mortgagor, the person seeking the mortgage, then has a much more restricted market, because he is not such an attractive proposition for the competitive market place. I would submit to the hon. minister that there might be room to look at the situation, to see if the competitive interplay is in fact working as the hon. minister suggests. I wonder if he would indicate if his department would be prepared to look at that situation?

MR. KOZIAK: Mr. Speaker, of course we are always willing and interested in providing that type of assistance, and have done so in terms of such programs as our "Before You Go Under" program. We have produced a number of materials which deal with the whole area of credit and, through talks and organized sessions, have assisted individuals and groups who have found themselves in the position of coming into difficulty with credit. That's a role we play that we feel is an important role in the province of Alberta, and we would be more than willing to continue to play that role in those areas.

The specific example the hon. member raises in his question is one that may disappear on Thursday, in respect of some of the people, if there is a further fall in the mortgage rate. I guess whether or not, at the point of renegotiation, the individual can in fact afford the new mortgage payments is a relative issue. We're more than willing to assist the individual in providing whatever advice is at our disposal in the decisions individuals have to make with respect to credit.

Health Care Insurance — Doctors' Fees

MRS. FYFE: Mr. Speaker, I'd like to ask a question of the Minister of Hospitals and Medical Care. I wonder if the minister would advise the Assembly of the status of negotiations between the Alberta Medical Association and the Alberta health care plan.

MR. RUSSELL: Mr. Speaker, I'm pleased to advise members of the House that the two sides have agreed to return to the bargaining table this Friday afternoon.

MRS. FYFE: A supplementary, Mr. Speaker. I wonder if the minister can advise the Assembly if the members of the Alberta Medical Association have delayed or perhaps changed their decision related to withholding certain medical services from the public in Alberta.

MR. RUSSELL: I'm sorry, Mr. Speaker, I don't have that information. I'm not sure what the process will be with respect to the membership of the AMA. I do know that they have agreed on agenda items to be discussed at the meeting on Friday.

Federal Funding Cutbacks

MRS. CHICHAK: Mr. Speaker, my question is directed to the hon. Provincial Treasurer. I wonder if he could give a brief report with respect to the finance ministers' meeting that just concluded in Halifax, and whether the decisions or dialogue at that meeting have altered the federal/provincial contributions in the area of funding to advanced education, health, or any other fields.

MR. HYNDMAN: No, Mr. Speaker, it has not. In fact, at the meeting the federal government tabled new information indicating that they had made a \$600 million error and that that figure had to be added to the something over \$5 billion which they had estimated would be total cuts over the next five years in those two areas.

The meetings were unsatisfactory, very inconclusive, and there was frankly little evidence of willingness by the federal government to negotiate. I think we're in for some very difficult months, even if we can get the federal government to negotiate. A further meeting will be held in Toronto in mid-December. The provinces are generally united on the issues of both proposed federal cuts in the key areas of health and education and the proposals of new strings or conditions. There will be some very difficult and ominous times.

MRS. CHICHAK: A supplementary, Mr. Speaker. I wonder if the Provincial Treasurer could provide to the House whether the federal Minister of Finance indicated how he rationalized his statement that there would not be cutbacks from the federal point of view in the areas of advanced education and health if, from the minister's report here, there are going to be cutbacks. Did he give some sort of explanation as to how that aspect was going to be covered?

MR. HYNDMAN: As the meeting proceeded, Mr. Speaker, it became abundantly clear that there are in effect very significant cutbacks, and the suggestions and arithmetic of the federal government were not supported by the provinces.

MR. MUSGREAVE: A supplementary, Mr. Speaker. In view of the facts that an energy agreement has been worked out and that the constitution seems to have been resolved, was the federal government prepared to postpone their cuts next March until such time as they are able to get their arithmetic in order and come back and make a presentation to the provinces that would be for the good of the nation?

MR. HYNDMAN: Mr. Speaker, they do not appear to want to postpone, for even a few months, this important five-year agreement. That was a suggestion we put forward, endorsed by a number of provinces. They appear simply to want to proceed. I would have thought they would have learned something about the need for negotiation and consultation in this country, from the previous examples of the constitution and energy. Apparently they have not learned much from that.

MR. BRADLEY: A supplementary question, Mr. Speaker. Could the hon. Provincial Treasurer advise the House as to the exact effect the federal fiscal measures will have with regard to transfers of funds to the province of Alberta for established programs funding?

MR. HYNDMAN: Mr. Speaker, we don't yet have that information in a definitive way, because there are in effect three sets of numbers which are now being analysed across the country. However, it's very clear that the effect in Alberta, although less than in the Atlantic provinces, say, will be significant and will be well in excess of \$0.5 billion over the next five years.

Heritage Savings Trust Fund Loans

MRS. CRIPPS: Mr. Speaker, my question, also to the Provincial Treasurer, is about the interest rates on the latest loans from the Canada investment division. Can you inform the Assembly of the latest interest rate on the latest loan, and maybe give the parameters for establishing that rate?

MR. HYNDMAN: Mr. Speaker, as has been indicated in the past, the loans are essentially at the market rate, in the sense that if those provinces are looking to borrow money, over the term of the loan they are going to be paying to the heritage fund essentially what they would pay other [lenders]. The latest loan was at the rate of 18.1 per cent, to the province of New Brunswick, for \$60 million, I believe. That was the current market rate, so that will earn a significant amount for the heritage fund over the life of the loan, with the capital being repaid at the end.

Extended Flat Rate Calling

MR. PURDY: Mr. Speaker, I'd like to ask a question of the Associate Minister of Telephones, regarding remarks the minister made in his announcement in the Legislature on October 19 of one-way service between adjacent exchanges. I wonder if the minister could share with this Assembly the policy for using low-subscriber exchanges.

DR. WEBBER: Mr. Speaker, the hon. member uses the term "low-subscriber exchanges". I don't believe that is the case. However, the rationale for choosing the exchanges we did for the program ... I might indicate that those exchanges were Holden, Mulhurst, Valleyview, Wanham, Stavely, and Carbon. They were selected primarily on the basis of problems that exist in those exchanges. Some of them do not have flat rate calling to a market centre. So the primary reason was problems in not having flat rate calling. I expect there will be considerable response from customers who live in those exchanges, so I cannot accept the hon. member's position that we selected low-use exchanges.

MR. PURDY: Mr. Speaker, a supplementary. Not to debate with the hon. minister, could he not give serious consideration to amending that to allow a very high-rate exchange in my constituency — either Devon or Onoway and Stony Plain — to be included in this experiment, as I feel we were probably one of the first groups to make representation to the minister on this very serious problem.

DR. WEBBER: Mr. Speaker, I know very well how concerned the hon. member is, in terms of representing his constituency and his constituents. However, I should point out that this is a trial project in six exchanges which will begin next summer and end approximately a year later. At that time, it's hoped the program will be able to be instituted throughout the entire province, including the member's constituency.

School Bus Regulations

MR. BATIUK: Mr. Speaker, my question is directed to the Minister of Transportation. It regards the recent annual meeting of the Alberta School Trustees' Association in Calgary, which passed a resolution that when anybody is charged with illegally passing a school bus, that individual not be given the privilege of paying the fine through the mail but should appear before the judge. Could the minister advise whether he has been alerted to this, and whether he has taken any action to see the provisions changed in the Attorney General's Department?

MR. KROEGER: Mr. Speaker, I personally have not seen this, but perhaps the Attorney General might like to comment.

MR. BATIUK: Mr. Speaker, a supplementary. I bring this up at this time because on a number of occasions the county of Minburn had problems very close to disasters with it. They brought this to my attention, so I was just wondering whether any reference has been given to the Attorney General in this case.

MR. CRAWFORD: Mr. Speaker, I don't know what I can inject into this answer without making it abundantly clear that a colleague of the hon. member and I sent me a note I was reading at the time the hon. member asked his first question, and I haven't any idea what it's about.

MR. BATIUK: If I may, Mr. Speaker. Just in case the Attorney General might not want to, maybe the Minister of Education, since he attended that convention. A resolution was passed at the school trustees' convention, requesting changes in that anyone charged with passing a school bus illegally should not be given the privilege of paying his fine through the mail but should appear before a judge.

MR. CRAWFORD: Mr. Speaker, if that were to be the policy, it could be reflected by way of regulations and would not require a statutory change. I think the suggestion has considerable merit. If the regulation is not yet in that form, along with other colleagues who are also involved — it might involve a statute administered by the hon. Solicitor General. Based on that type of discussion, I'll certainly take it under advisement.

MR. KING: Mr. Speaker, I might just add that the Department of Education doesn't consider that it has any particular competence in the area of transportation. In respect of our concern for the well-being of children, we take the position that we can serve that best in the area of transportation by following the lead of the Department of Transportation.

Provincial Buildings — Specifications

MR. BORSTAD: Mr. Speaker, my question is to the Minister of Housing and Public Works, who unfortunately is not in the House this afternoon, or the Minister of Government Services. Does either minister have anything to do with the specifications for provincial buildings or other government buildings?

MR. McCRAE: Mr. Speaker, speaking for the Department of Government Services only, I would say we have very little involvement in the specifications.

MR. BORSTAD: Mr. Speaker, my question is along the line of some of the items used in building. I'm talking about plywood. It's my understanding that the specifications for all provincial buildings are to use fir plywood. I wonder what the reason is for using fir plywood, and why we cannot use poplar or pine plywood which is manufactured in the province?

MR. SPEAKER: While recognizing the hon. member's great confidence in the hon. minister's detailed knowledge, may I respectfully suggest that that kind of detail might be dealt with more appropriately by means of the Order Paper.

MR. McCRAE: Mr. Speaker, I was going to add that since the member was so specific with his specifications, I will take it under advisement and get back to him.

Coal Transportation

DR. PAPROSKI: Mr. Speaker, my question is to the Minister of Economic Development. I wonder if he would indicate to the House whether he has information on progress regarding the study for the coal slurry pipeline to the west coast.

MR. PLANCHE: Mr. Speaker, we are in receipt of the Fluor study, and it's now being examined by the department.

DR. PAPROSKI: A supplementary, Mr. Speaker. Does the minister have information regarding the cost estimate of that particular pipeline at this juncture?

MR. PLANCHE: The study requested was a preliminary study, Mr. Speaker. It didn't go into detailed cost estimates, simply because it was asked for technical feasibility, using both water and methanol as a vehicle, and a variety of port options. So I don't think we could expect to get definitive cost estimates from the study, and didn't anticipate them.

DR. PAPROSKI: Another supplementary, Mr. Speaker. Would the minister indicate to the House who is participating in this study? Is it government alone, government and private enterprise, or governments plural?

MR. PLANCHE: The study we've received is this government alone, split between Economic Development and the Department of Energy and Natural Resources. The presumption is that the study will be made public in the near future.

DR. PAPROSKI: Mr. Speaker, a final supplementary on this important item, recognizing that as I understand it,

coal equals the tar sands in energy in Alberta. I wonder if the minister would indicate to the House whether the final participants in the development of this pipeline will be the government of Alberta alone or private enterprise and government.

MR. PLANCHE: Mr. Speaker, I didn't catch the question as to whether it was a participation in the ensuing study, or in the pipeline as it finally develops.

DR. PAPROSKI: In the pipeline as it's finally developed.

MR. PLANCHE: Mr. Speaker, it would be anticipated that the option for the government to have an undiluted, ongoing interest would remain available. Hopefully, the participants would be those who presently have an involvement in the appropriate sectors within the Alberta economy. It's essential that this study, and hopefully the commencement of construction of the line, go forward as rapidly as possible because of the impending difficulties anticipated in the rail system's capacity to handle all commodities by 1985. We consider this a very high priority. If government involvement is a necessary part of it, it will be taken to my colleagues in that manner.

MR. FJORDBOTTEN: Mr. Speaker, a supplementary to the Minister of State for Economic Development — International Trade. Realizing this is an innovative approach, has the minister made approaches to other countries — in particular, I would think, Italy or a country like that — that could share expertise with us in an area like a slurry pipeline?

MR. SCHMID: Mr. Speaker, we have had contact with a number of countries which are only awaiting Alberta's decision on where to build the pipeline, its capacity, and of course how much coal we could export from Alberta to other nations.

MR. FJORDBOTTEN: A supplementary, Mr. Speaker. Realizing a pipeline is really not any good without port facilities, what talks has the minister had with anyone with respect to port facilities to handle a slurry pipeline?

MR. SCHMID: Mr. Speaker, for instance, one particular nation would be quite happy to build its own port facility and load its own tankers to take the coal slurry to the nation.

MR. BORSTAD: A supplementary, Mr. Speaker. Realizing the time it would take to build a pipeline for coal slurry, if a methanol plant were built immediately, could methanol be shipped to the coast through pipelines which are presently not carrying gas?

MR. PLANCHE: Mr. Speaker, there is some idle pipeline capacity from Alberta to the west coast that may be appropriate for initial shipments of methanol and, indeed, methanol slurry. Some more definitive engineering will need to be done on the methanol issue, and we hope that can be done as expeditiously as possible.

MR. FJORDBOTTEN: Mr. Speaker, a supplementary to the Minister of State for Economic Development — International Trade. Are we looking only at metallurgical coal, or is it steam coal? Are we only looking at coal? Can other products be shipped through a slurry pipeline?

MR. SCHMID: Mr. Speaker, first of all, any export from Alberta through a slurry pipeline would usually be considered as steam coal. Because metallurgical is of course used for different purposes, it would be coking coal.

As far as other commodities are concerned, in speaking to Dr. Berkowitz, who has done some research on that, in the future we might be looking at capsule pipelining of grains. But of course it's much in the future, and would be the concern of my colleagues, especially the Minister of Agriculture.

MR. FJORDBOTTEN: A supplementary, Mr. Speaker, to the Minister of Agriculture. Has the minister had his department look into the feasibility of using a pipeline for shipping agricultural products?

MR. SCHMIDT: Mr. Speaker, some research has been done, and some comments, in regard to pipelines and the use of capsules. The continued review of whether capsule use could be part of a slurry pipeline is in the future and will be taken into consideration as we go further into the coal slurry.

MR. L. CLARK: A supplementary, Mr. Speaker, to the Minister of Economic Development. I wonder if any experimental things have been done in Alberta with your department on the liquefaction of coal, so some of our prairie coals could become more economical where they would be upgraded in the BTU area and some of the impurities left out.

MR. PLANCHE: Mr. Speaker, not to my recollection. I'd like to check to be sure. I think the Department of Energy and Natural Resources has carried out studies in coal gasification, and there certainly is state of the art technology in liquefaction that could be licensed. Indeed, some of the people who have coal permits are now considering the liquefaction of coal in the province. On the precise question about whether or not the government has been involved though, I'd have to check. It would have been through Energy and Natural Resources.

ORDERS OF THE DAY

MR. SPEAKER: May the hon. Member for Calgary North Hill revert to introduction of special guests?

HON. MEMBERS: Agreed.

head: INTRODUCTION OF SPECIAL GUESTS

MR. OMAN: Mr. Speaker, I believe I notice in the public gallery Alderman Bob Hawkesworth from the city of Calgary. I would like to have him stand and receive the welcome of the House.

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

223. Moved by Mr. R. Speaker:

Be it resolved that the ruling of Mr. Speaker, denying the hon. Member for Spirit River-Fairview the right to ex-

plain a point of privilege pursuant to Standing Order 14, be not sustained by this Assembly.

MR. R. SPEAKER: Mr. Speaker, I rise . . .

MR. SPEAKER: If the hon. leader would just give me a moment, it is not my intention to chair this debate. I intend to leave the Chair. The hon. Deputy Speaker has agreed to chair the debate. I won't be listening in. I don't even promise to read it in *Hansard*, and I'd like to assure all hon. members that regardless of what they say or do, nothing will be reflected in my attitude after the debate is over. That's perhaps superfluous. Maybe it's an exercise in piety; I don't know. But just in case there is any misgiving on that score, I'd like to allay it.

I'm not suggesting that if I stay in the Chamber, the debate will be any less objective. But just in case some may perceive that I shouldn't be here, and in the interests of a very objective debate, I propose to leave the Chair in favor of the hon. Deputy Speaker.

MR. R. SPEAKER: On the point you raise, I'd just like to say, in terms of myself, that anything I have to say I'll certainly say directly to the Speaker. If it's concern with regard to my position, I hope you won't be concerned about that, because anything I say is certainly public information, and most likely I would even deliver it with a little more directness, aggressiveness, and eye-to-eye with you sitting right there. Quite possibly you should consider sitting in the seat and hearing what we have to say.

MR. SPEAKER: I appreciate the hon. leader's kind remarks, but I think I'll leave the Chair.

[Mr. Appleby in the Chair]

MR. DEPUTY SPEAKER: Before we commence debate on this motion this afternoon, I would like to remark that some sections in our *Standing Orders* are acknowledged as probably a bit hazy, particularly Section 21, which has some confusion between points of privilege and points of order. I take some responsibility for that, because along with the Minister of Education and the present Provincial Treasurer, I think we are the only sitting members of the House who were on the committee that revised the rules the last time. So that is something we will have to consider this afternoon.

In the course of the debate this afternoon, I ask members to particularly apply themselves as regards sections 21 and 22. As points of order are concerned, because our own *Standing Orders* are not clear, in some areas we would have to go back to *Beauchesne*, which would start with Section 233 and proceed from there. I trust all members will carry on this afternoon during the debate in the spirit of our *Standing Orders* and those sections of *Beauchesne* which apply.

MR. R. SPEAKER: Mr. Speaker, in my early remarks I'd like to refer to the rules which apply to a point of privilege, where I feel fair treatment was not provided to the hon. Member for Spirit River-Fairview. I'd like to say that when this case occurred yesterday, the position of the members of this Legislature was in jeopardy. We as members of the Legislature were threatened with regard to our right to freedom of speech, our right to place before this Assembly matters which we feel are important, and of great concern to ourselves, as well as Alber-

tans, no matter where they live in this province. So we're not only talking about one case at this time; we're talking about cases which may come up in terms of all members of the Legislature.

I said earlier today that I want to be fair and reasonable in assessing these matters. To the hon. Mr. Amerongen, who was sitting in the Chair, I feel there was a fundamental error in decision-making. I feel that decision was wrong, and certainly because of that decision, my confidence in the Speaker, Mr. Amerongen, was shattered and has been reduced significantly. That, Mr. Speaker, is a matter of great concern.

What happened yesterday? What happened to bring about that lack of confidence? Well, first of all, there was a request by the hon. Member for Spirit River-Fairview to the Speaker with regard to a point of privilege. The rules were followed, Mr. Speaker. First of all, the member provided to the Speaker a letter of notification. Secondly, the requirement of one hour was met. Thirdly — and this is the matter of concern I raise today with regard to the decision — the member has the right to call attention to the alleged breach of privilege and explain the matter.

To Mr. Amerongen, who was Speaker at that time, that was where there was suppression of freedom of speech and the right of a member to raise a concern in this Legislature. That was a serious offence to the rules in this democratic Assembly. That is of great concern. That's where the error was made in decision-making. At that time, the Speaker, Mr. Amerongen, could have had the opportunity to review that decision, but took it upon himself not to review it and continued to say that all was in order.

But it was not, Mr. Speaker. A fundamental error was made at that point. The right to call attention to the alleged breach of privilege, not to make an accusation, not to ask anybody to make judgment, not to set up court proceedings; but to call attention, just call attention, to a possible inconsistency, or what could be, may be — we don't know till the matter comes before this House — an alleged breach of privilege.

Following that, a short explanation of the matter could follow, which was not allowed either, Mr. Speaker. That is fundamentally wrong. It is unacceptable, and that's why we're here debating this matter today. That's why I'm saying I cannot uphold that ruling of the Speaker, that I have lost confidence in that kind of decision-making. It's a very unfortunate thing that we are in a debate such we are at present.

As I have said, there was a fundamental error at that point where the hon. member was not allowed to raise a point of privilege. At that time, the matter was not a subject of debate in this Legislature. It was not a matter on which the Speaker could make any judgment. Today, we notice by Votes and Proceedings — and there was some interpretation — that the requirements of Standing Order 14 had been met. Mr. Speaker, I contend that that is inaccurate and wrong, because they have not been met. The hon. member did not have the opportunity of calling attention to the breach of privilege or even explaining it. The requirements of Section 14 were not met.

Secondly, that the Speaker

would take the complaint under advisement and review supporting documentation provided by Mr.

Notley and report to the Assembly at a future date.

I don't recall that decision. I don't recall the item even being on the agenda. Mr. Amerongen, the Speaker in the Chair at that time, made an assumption that the hon.

Member for Spirit River-Fairview was going to raise what he felt was a point of privilege. Who knows? The hon. Member for Spirit River-Fairview could have stood up and, after making a short statement, said: Mr. Speaker, I have reconsidered the matter at hand, and I am not going to raise a point of privilege. That could have been done, but the Speaker made an assumption that it was.

What kinds of concerns are raised out of that? I was concerned that at that point in time, there was a feeling that protection was being given to the Premier. I suppose that's what the matter was about. Mr. Amerongen had that information. The hon. Member for Spirit River-Fairview had that information. Was that the motivation for not allowing ...

MR. DEPUTY SPEAKER: I believe the hon. Member for Pincher Creek has a point of order.

MR. BRADLEY: Mr. Speaker, I just want to raise the fact that the hon. Leader of the Opposition should refer to the hon. Speaker as the Member for Edmonton Meadowlark.

MR. R. SPEAKER: Mr. Speaker, I raise that question with regard to the motivation of the hon. Member for Edmonton Meadowlark, Mr. Amerongen. Was it to protect the Premier or was it not? I don't know, but that seemed to be a motivation. When I think in those terms, what it did was bring about a feeling of lack of confidence in the hon. Member for Edmonton Meadowlark, Mr. Amerongen, in his role as Speaker. In my role as Leader of the Opposition, I can't afford to have a lack of confidence in the Speaker. But that was the implication, the feeling that was brought about. I said to myself, in other acts where we ask the Speaker, in confidence, to do certain things, what kind of action does the Speaker take? A lack of confidence.

I think the fundamental error was the timing, in which the matter could not be brought before this Assembly, could not be an item on the agenda. What the hon. Member for Edmonton Meadowlark, Mr. Amerongen, could have done was allow the case to be presented so we all would know what the point of privilege was. Secondly, the hon. Member for Edmonton Meadowlark, sitting in the Speaker's Chair, could have allowed a brief statement, which is the requirement, and at that point could have made a decision as to whether other persons in this Legislature could speak to the point of privilege. The best reason the hon. Member for Edmonton Meadowlark could have given at that time was that the person named in the point of privilege was not in attendance. That could have been a good reason. Most likely, we would have accepted it. But that reason was not given to us here in this Legislature.

Along with the actions that went on yesterday, I think there is a second item of concern; that is, the distribution of documents and the intention of the hon. Member for Edmonton Meadowlark to distribute documents that were given to the Speaker of the Legislature, supposedly in confidence or as supporting information with the letter of notification, that were being mimeographed, photocopied, or whatever, and distributed to all members of this Legislature before the item was really on the agenda of this Legislature.

Mr. Speaker, that was a second error and a second move that is insupportable as far as I am concerned. I make that comment with regard to Standing Order 14 of this Legislative Assembly. In Section 14, there is no

requirement on the part of the Speaker to distribute the material of any hon. member to other members in this Legislature. It is not compulsory; there is no request. I would say that the distribution that was to be made by the hon. Member for Edmonton Meadowlark, sitting in the Speaker's Chair, was a second fundamental error which is unacceptable and, again, only created that feeling of a lack of confidence on this side of the Legislature. How do I know, in other situations when I provide material to the Speaker of the Assembly, that that material will not be maintained in confidence? In future instances — point of privilege, other resolutions, other actions — there is no way that I can go to the Speaker and have full confidence that that material will not be revealed to members on the government side of the House. I have no assurance of that in future actions of the hon. Member for Edmonton Meadowlark sitting in the Chair as Speaker. That gives me great concern.

One argument put forward in this Legislature is with regard to *Erskine May*, page 170, with regard to breaches of privilege and contempt. It says:

Before making a complaint against a Member it is the practice, as a matter of courtesy, to give him notice beforehand.

Mr. Deputy Speaker, I understand that notice was given beforehand. I understand that the member was not available. That argument can be used. But as I understand it, the precedent is the *Standing Orders* of this Assembly. There, it says that the matter be raised "at the earliest opportunity". Mr. Deputy Speaker, the earliest opportunity was yesterday.

MR. DEPUTY SPEAKER: I interrupt the hon. Leader of the Opposition. Whoever occupies the Chair will be addressed as Mr. Speaker.

MR. R. SPEAKER: Mr. Speaker, I appreciate that very much. I didn't want to confuse Mr. Speaker with you when you are the Deputy Speaker of the House. I will use the other terminology, which is of greater length.

This argument, which will be used here in this Assembly even today, doesn't hold water. The matter is a point of privilege, which has to be raised at the earliest possible opportunity. That's according to our standing rules, and we must abide by the standing rules of this Assembly.

Those are the two concerns I have and the reason I have put this motion on the Order Paper. It says that there has been an error in decision-making on two counts: one, that an hon. member was not allowed to put a point of privilege before this Legislature, which affects the actions of many members, not only current ones but members in this Legislature from this time on; secondly, the action of the Speaker in providing documents to other members of the Legislature before a point of privilege is even accepted by the Assembly, is of concern. Those are two major violations of the freedom of speech and action of members of this Legislature. They're unacceptable, Mr. Speaker. To the hon. Member for Edmonton Meadowlark, who is sitting as Speaker in this Legislature and who made those decisions, I think those cannot be allowed to pass. That's why the resolution is here.

MR. KOZIAK: Mr. Speaker, I wonder if I might rise on a point of privilege. I heard with some alarm the hon. Leader of the Opposition, during the course of his opening remarks, attribute motives to the Speaker, the Member for Edmonton Meadowlark. I believe his words were

to the effect that the purpose of the ruling of the Speaker was to protect the Premier, suggesting that the Speaker was something less than impartial. Mr. Speaker, pursuant to the rules and *Beauchesne* — I refer hon. members to article 319(3):

In the House of Commons, a Member will not be permitted by the Speaker to indulge in any reflections on the House itself as a political institution; or to impute to any Member or Members unworthy motives for their actions in a particular case.

I'm suggesting, Mr. Speaker, that the hon. Leader of the Opposition has imputed motives to the Member for Edmonton Meadowlark and, in light of the position of Speaker that he holds in this Assembly, a position that requires impartiality, has imputed improper motives. Mr. Speaker, under those circumstances, the hon. member should be required to withdraw those remarks.

I raise this point of privilege, Mr. Speaker, because the hon. Member for Edmonton Meadowlark is not in his place to defend himself. I think it's doubly grave that the member should make those statements in his absence.

MR. R. SPEAKER: Mr. Speaker, in comment to the point of privilege that has been raised, in my remarks I used the word "could". I said that because the Premier was not here, because the matter was delayed and misunderstood, one of the reasons could have been that the Speaker was protecting the Premier, who was not here. That's why I said that the matter should be clarified and discussed here in the Assembly.

To recall my remarks, I think we should all check *Hansard*. I said that the hon. Member for Spirit River-Fairview knew what the matter was. The hon. Speaker, Mr. Amerongen, the hon. Member for Edmonton Meadowlark, knew what the situation was. They both knew that it was about the Premier. I didn't. And I'm saying that on that basis, the hon. Member for Spirit River-Fairview was not allowed ...

MR. KOZIAK: Mr. Speaker, on the point of privilege, he is repeating the very breach.

MR. DEPUTY SPEAKER: Probably the Leader of the Opposition could complete his remarks. However, I would like to remind the Leader of the Opposition of the remarks I made previous to the commencement of debate this afternoon. I referred to Section 22, and that also has section (i) under (h). Whether or not there is any attempt to impute a motive or something like that, I would really ask all members to be very cautious of anything that might be imputed as some ulterior motive in making such a reference.

I don't think we should spend a great deal of time discussing a point of order. It's been raised by the hon. Minister of Consumer and Corporate Affairs and, I think, maybe justly so in some respects. But we have that reference in our own *Standing Orders*. We don't need to go to *Beauchesne* to have that reference. Perhaps keeping that in mind, the hon. Leader of the Opposition would continue the debate henceforth.

MR. R. SPEAKER: Mr. Speaker, I certainly will continue on your request with regard to the debate. I'll sum up this way, so other members can enter this debate and make the case with regard to the matter. First, I feel the hon. Member for Edmonton Meadowlark made a serious error in judgment with regard to applying the rules to this Assembly. An hon. member was not allowed to speak in

terms of a point of privilege. That decision will reflect on all other hon. members in this Assembly from this point on. I think that's very serious.

Secondly, the hon. Member for Edmonton Meadowlark, Mr. Amerongen, as well as providing documents to other members of this Legislature before a point of privilege was actually raised — or was not going to be raised; we don't know. That was a serious error in judgment, and was not in accordance with the rules of this Assembly. On those two bases, the confidence I had in the hon. Member for Edmonton Meadowlark to act as Speaker of this Legislature was shattered significantly. No longer would I have the confidence to do any type of confidential business with him, or feel that he is serving the Legislature as a whole. When I have that feeling, I think it is incumbent upon this Assembly, one, to correct the matter that has occurred and make the rule right, so we understand exactly where we stand in the future. Secondly, if we find the hon. Member for Edmonton Meadowlark in serious abuse of the rules of this Assembly, then I think the hon. Member for Edmonton Meadowlark has only one recourse; that is, to ask to be replaced as Speaker of this Assembly.

So the matter is serious. But I really feel that if we believe in fundamental freedoms of speech and being able to present in a responsible way items on the agenda of this Assembly, then those are the kinds of actions we must take.

MR. NOTLEY: Mr. Speaker, rising to participate . . .

MR. DEPUTY SPEAKER: I believe the hon. Minister of Municipal Affairs caught the eye of the Chair first.

MR. MOORE: Mr. Speaker, I would like to make a few remarks with respect to the motion before the House, and begin by saying that it is indeed serious when a motion accuses or suggests that the Speaker of the Legislative Assembly, who's empowered to be impartial and fair in all his dealings with members of the Assembly, has not done so. I want to say at the outset that I for one appreciate the fact that the matter is being dealt with at the earliest opportunity, so the House is not in a position where there is any shadow of a doubt with respect to the actions of the Speaker of this Assembly.

Might I begin by saying that in the 10 years I have served in this Legislature under the chairmanship of the hon. Member for Edmonton Meadowlark, I have found without question that his rulings and the manner in which he has conducted for us the debates in this Legislature have in most, if not all, cases been beyond any consideration of criticism whatsoever. However, I want to make some comments about yesterday's irregularities with respect to the events in this Assembly, the numerous breaches of rules of this House that occurred, and the judgment decisions which were rendered by the Speaker of the Assembly.

Before I do that, however, I want to make the point that the motion itself should quite quickly be denied because from a technical point of view, if not from a factual point of view, it is incorrect, in that the record will show that yesterday the hon. Speaker did not deny the hon. Member for Spirit River-Fairview the right to explain a point of privilege. What the hon. Speaker did yesterday was ask the hon. Member for Spirit River-Fairview to deal with his point of privilege at another time. In my judgment, there is a very, very great difference between denying a member the right to raise a

point of privilege and asking that member to raise his point of privilege at another time. However, that might have been corrected simply by the mover of the motion having put a little more thought into the writing of it before it appeared in Votes and Proceedings.

Mr. Speaker, if I could move to the events of yesterday, I'm utilizing the Alberta Hansard Blues of Tuesday, November 24. Although I do not have the *Hansard* yet, I presume that these comments are substantially accurate. What occurred, quite frankly, was that the hon. Member for Spirit River-Fairview rose correctly under the rules to present a point of privilege. He did so after having followed the rule that requires that one hour's notice be given to the Speaker of the Assembly. Then that hon. member proceeded to state that point of privilege by referring to certain answers given by the hon. Premier on Friday of last week, by referring to a certain page of *Hansard*. The hon. Member for Spirit River-Fairview then began to quote one of several questions which the hon. member had asked of the hon. Premier and got, I think it's fair to say, about halfway through the quotation of that question when he was interrupted by the hon. Speaker.

Now it's obvious to anyone who reads the Blues of yesterday at length that the hon. Speaker, having been given notice of the point of privilege one hour previous to the session's starting, had some opportunity to review the question period of last Friday and also was aware of some fairly extensive documentation accompanying the request of the hon. Member for Spirit River-Fairview to raise a point of privilege, that consisted, I understand, of a one- or two-page memorandum and a report of some considerable length, perhaps 60 pages.

It would be obvious to anyone experienced, as our Speaker in this Legislature is in chairing this House, that the beginning the hon. Member for Spirit River-Fairview made, by making reference to his question and quoting it, would have led that hon. member into also making reference to the Premier's answers on Friday last — and perhaps answers to more than one question — and would further have led to the hon. member quoting at some length from memoranda which had come into his possession suggesting that something else had actually occurred, and therefore that the hon. Premier might have misled the House. It would have been obvious to the hon. Speaker, I'm sure, that the case being put by the hon. Member for Spirit River-Fairview would take some considerable time and, just by nature of it having to be given, would constitute a suggestion that there was a breach of privilege by the hon. Premier.

Now I won't go into quoting the citations that exist in *Beauchesne* and elsewhere with respect to the requirement, the suggestion, the proper conduct, of a member in raising a point of privilege, in terms of the member who that point of privilege is being raised against being in the Assembly. That was already documented yesterday, and I presume will be at some greater length today. But as I read the Blues, the hon. Speaker was clearly of the opinion that there was going to be a fairly lengthy explanation by the hon. Member for Spirit River-Fairview on a point of privilege raised against a member who was not present.

Mr. Speaker, the hon. Speaker then proceeded to interrupt the hon. Member for Spirit River-Fairview and suggested to him that it was going to be necessary to postpone any decision and any further consideration on this point of privilege for a day or two, in view of what the hon. Speaker perceived to be a fairly lengthy explanation.

tion. The hon. Speaker went on to say that the hon. Member for Spirit River-Fairview had met the conditions of informing his office one hour in advance of the decision, and that the condition of raising it at the first opportunity had probably been met as well. He then proceeded to say:

In any case, if there has been any question about whether it's been raised at the first opportunity, it's obviously quite clear that it's been raised today. That will stop the running of time as far as that's concerned.

So the House doesn't feel too mystified; it relates to . . .

I presume from reading that clause that the Speaker was then going to tell the rest of the Assembly, as briefly as he could, what the matter being raised by the Member for Spirit River-Fairview related to. The hon. Speaker was proceeding to that so members would not be mystified about what might be raised when the hon. Premier returned. What occurred then, Mr. Speaker, was the first serious breach of rules that occurred yesterday, perhaps the most serious one I've seen in this Assembly. The hon. Leader of the Opposition rose in his place, interrupted the Speaker, and literally shouted him down when the Speaker was in the midst of explaining to the Assembly the reasons for his ruling, in addition to, as I would understand it from his interrupted remarks, the nature of the charges being proposed by the Member for Spirit River-Fairview.

After that interjection, which was clearly a breach of the rules of this Assembly by the hon. Leader of the Opposition, the hon. Speaker concluded his remarks. But it's obvious if you look at the Blues that they were substantially interrupted, because he had to continue his remarks by making reference to the fact that there would be ample opportunity for the hon. Leader of the Opposition to enter the debate at some more appropriate time, without standing and interrupting the Speaker of the House.

My reason for raising this, Mr. Speaker, is simply to say this: I believe that if the hon. Leader of the Opposition had observed etiquette, rules, responsible ways of debating in this Legislature, the Speaker would have been allowed to continue his remarks, and we would have had a clear indication of the charge purportedly being brought forward by the Member for Spirit River-Fairview. We would also have had a clear indication of the Speaker's ruling. He was interrupted. I recall that later in the course of the day, the Speaker came back to say he perhaps didn't give the full extent, or perhaps not the right reasons for his ruling earlier in the course of debate, and that they had to do with the fact that the hon. Premier was not in his place. Substantially, the problem yesterday afternoon first occurred when the hon. Leader of the Opposition rose and interrupted the Speaker, something that quite frankly I haven't seen very often in the 10 years I've been in this Legislature.

If I could just go briefly from there to make one other point. It is quite clearly a judgment decision — when one considers the *Standing Orders* of this Legislative Assembly; if one considers the precedent which has been set in other British Parliaments, quoted at length in the various sources of material of parliamentary procedure hon. members have before them — by the Speaker as to what extent an hon. member might be allowed to present a point of privilege. The Speaker of this Legislature has in fact ruled quite properly, I think, that that matter should not be proceeded with to any great extent without the

accused member being in his place. The Speaker attempted, in fact went on later after being interrupted, to explain in a very brief way what the point of privilege was. After having done that, I for one believe the decision made by the Speaker was in the best interests of all members of the Assembly and should be respected.

I conclude by saying a Speaker is always called upon, as any chairman is, to make judgment decisions. They are not always easy. Not unlike the umpire in a ball game, sometimes there are two different decisions that could be made, and one weighs as heavily as the other. Over the 10 years he has served as Speaker of this Legislature, I have found the hon. Member for Edmonton Meadowlark to be fair beyond question in every case, in terms of how he dealt with members of this Assembly. Based not only on his actions yesterday but on his outstanding service to this Assembly over a period of 10 years, I believe the motion should be denied and defeated at the earliest opportunity, Mr. Speaker.

MR. NOTLEY: Mr. Speaker, frankly I very much regret having to rise this afternoon to debate Motion 223. I think all the members of this House would much prefer that the judgment yesterday had been different. In addressing Motion 223, which I will be supporting, I first cite Citation 21 from *Beauchesne*:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them.

Mr. Speaker, that being the case, the rules with respect to privilege in this House are the rules set out in Section 14 of our *Standing Orders*. As we address this question, I think it is important to look at those rules very carefully. Because an examination and assessment of those rules is fundamental to the resolution before the House today. The resolution calls upon this Assembly to rescind the judgment of the Speaker yesterday. We know that is a resolution which carries very great implications with it. Should the Assembly approve the resolution, there is little doubt that the hon. Member for Edmonton Meadowlark would have to resign as Speaker of the Legislative Assembly. So none of us enters this debate lightly.

Under Standing Order 14(2):

A member wishing to raise a question of privilege shall . . .

I want to draw the members' attention to the word "shall", not may, not might, not be encouraged, but shall, before the Orders of the Day . . . and

(b) after giving a written notice containing a brief statement of the question to Mr. Speaker at least one hour before the opening of the sitting,

call attention to the alleged breach of privilege and explain the matter.

"Call attention to the alleged breach of privilege and explain the matter." That's not "may", Mr. Speaker, that's "shall".

The first mistake the hon. Member for Edmonton Meadowlark made — and it was a fatal mistake — was to say that the requirements of Standing Order 14 had been met, when I attempted to rise in my place yesterday to explain the matter. In fact, by not allowing me as the Member for Spirit River-Fairview to explain the matter, the hon. Member for Edmonton Meadowlark violated the most fundamental rule of our system, which is that we set our rules and must enforce them. Those rules very clearly say that "a member wishing to raise a question of privilege shall"; not "may", "shall".

There is just no question that the Speaker was in error in his decision yesterday. I know of no other example in legislative history in Canada. If there are examples, I challenge hon. members, in the course of this debate, to outline examples that have occurred where the right to briefly state a point of privilege is not permitted — anywhere in legislative history in this country, in the Parliament of Canada or in any of the legislatures. I challenge hon. members on the government side to come forth with one single example where a Speaker has not permitted the application of the basic right to explain the point of privilege. Mr. Speaker, that's fundamental.

When we got into the second go around on this issue last night, several hon. members on the other side of the Assembly obviously weren't aware what the point of privilege was. It wasn't their fault. It was because the hon. Member for Edmonton Meadowlark, in his role as the chairman of this Legislature, did not follow the "shall" in Standing Order 14. Mr. Speaker, we can look at other references as well. *Erskine May*, page 73:

... nothing can come into an Act of Parliament but it must first be affirmed or propounded by somebody.

Mr. Speaker, "it must first be affirmed or propounded by somebody". The rules are very clear, and there's no doubt about them. Hon. government members, who are squirming with a certain sense of embarrassment over what happened yesterday, cannot deny that the tradition of our parliamentary system throughout the Commonwealth is that the hon. member who wishes to raise the point of privilege is the person to be allowed to propound it in the Assembly. There is no way that one can argue that the requirements of Standing Order 14 were met in any way, shape, or form.

Mr. Speaker, I want to go on and deal with the issue. Citation 82 of *Beauchesne* says:

A question of privilege must be brought to the attention of the House at the first possible opportunity. Even a gap of a few days may invalidate the claim for precedence in the House.

I do not think any hon. members in this Legislature would deny that had I waited for a few extra days, the very first point, properly raised — as has been raised before in this House — is that I did not choose the first available opportunity. I was not able to be present in the Legislature on Monday until a few minutes before the close of the session. As I saw it, this was the first available opportunity of meeting the provision of 82. Hon. members must meet that standing order by giving an hour's notice to the Speaker. If the rules are to be fair and are to be enforced, in my judgment the steps that I as the hon. Member for Spirit River-Fairview took on Tuesday were the only course of action open to me with respect to the first opportunity to raise the issue.

Mr. Speaker, I want to deal with the letter I sent to the hon. Member for Edmonton Meadowlark as Speaker of the Legislative Assembly. It had come to my attention, Tuesday afternoon, that the hon. Premier would not be present. Obviously, it would have been infinitely preferable if the hon. Premier had been present. In writing my letter to give oral notice, I made the point, and I quote from that letter. I'm not sure if it has been reproduced for hon. members by the hon. Member for Edmonton Meadowlark; I trust so, in the massive reproduction of material that he has made available, without my consent, I might add. In the event that it hasn't, I will certainly table this letter:

Under these circumstances, it is my intention to

ask the Premier to clarify his remarks of Friday last and reconcile what appears at the very least to be a serious inconsistency between his answers on Friday and the material contained in the documents.

I fully realize that this is an extremely difficult matter. It is further complicated, I understand, by the fact that the Premier will not be in the Assembly this afternoon and may not, in fact, be back tomorrow.

Accordingly, I would have no objection to your reserving judgment on the question of whether or not a *prima facie* case of privilege exists in this matter until such time as you have had a reasonable opportunity to ascertain from the Premier his position in this regard.

Mr. Speaker, what should the hon. Member for Edmonton Meadowlark have done? It's very clear. The hon. member should have followed Rule 14, was that I as the Member for Spirit River-Fairview, raising a point of privilege, be allowed to briefly explain the matter in the Assembly.

The hon. Member for Edmonton Meadowlark has suggested there were 60 pages of supporting material and that somehow I would be reading all 60 pages. In making that comment, the hon. member must surely be jesting. Because he knows perfectly well that the rules with respect to explaining a point of privilege are to briefly explain and not, as we had from the hon. Minister of Energy and Natural Resources the other day, filibuster for two and a half hours. I can assure hon. members that there was no intention at all of reading to the Assembly the entire background material. The background material was given to the hon. Speaker to help him decide whether or not there was a *prima facie* case for privilege. At that time, the hon. Speaker should have allowed me to briefly state the case.

We then go on to Subsection (4), which is very clear:

Mr. Speaker may allow such debate as he thinks appropriate in order to satisfy himself whether a *prima facie* case of breach of privilege has taken place and whether the matter is being raised at the earliest opportunity.

"May allow", not "shall"; that's the appropriate point for the hon. Member for Edmonton Meadowlark to defer the matter. I think, when we set aside partisanship, most members of the House would have infinitely preferred that he had done just that. As a matter of fact, the hon. Minister of Education quoted from *Erskine May*, page 170:

Before making a complaint against a Member it is the practice, as a matter of courtesy, to give him notice beforehand.

If a Member who makes a complaint against another Member has failed or been unable to give the Member notice of his intention to do so, or if although the latter has been given [formal] notice he neglects to attend, the more regular course is to adjourn further consideration of the matter of the complaint to a future day

That should have been the course followed, Mr. Speaker: a brief statement of the question of privilege by me in accordance with Section 14, and then the hon. Speaker saying, before I make any judgment on this matter, in fairness to the hon. Premier it would only be appropriate that it be held over until he's present; exactly, I might add, Mr. Speaker, as I suggested when I made it clear — and I want to underline again what I said:

I would have no objection to your reserving judg-

ment on the question of whether or not a *prima facie* case of privilege exists in this matter until such time as you've had a reasonable opportunity to ascertain from the Premier his position in this regard.

Mr. Speaker, there really is little doubt that the hon. Member for Edmonton Meadowlark, in violation of almost every precedent I can imagine in our entire parliamentary system, for whatever reason — I do not suggest motives — but made a colossal error in judgment on this matter which cannot be supported by this House if we are going to have even the faintest reputation of being parliamentarians, not unless we're prepared to throw out *Beauchesne*, throw out the rule book that was passed by members of this Assembly, disregard *Erskine May*, and say we're going to have a totally new rule book that we change whenever it's convenient, as we saw today on a point of order in the question period. For 10 years we've allowed numerous comments on points of order. Today, all of a sudden, we have a literal interpretation of the rule book.

Mr. Speaker, the hon. Member for Edmonton Meadowlark has made a fatal error, in terms of the confidence a Speaker of the House must possess on both sides of the House. The Speaker must not only be neutral but, like Caesar's wife, must be seen to be neutral beyond reproach. It is a very serious matter indeed, and all of us realize it, when without reservation members of the opposition feel compelled to support a resolution which, if passed, we know would lead to the resignation of the hon. Member for Edmonton Meadowlark.

Mr. Speaker, I want to deal with the question of what happens from here. The hon. Minister of Education was outlining a course of parliamentary procedure which was interesting, but not necessarily very relevant to the process of dealing with this particular question of privilege. Mr. Speaker, I think we should make note of Citation 85:

A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action. The action is normally the reference of the matter to the Standing Committee on Privileges and Elections

Mr. Speaker, I don't intend to get into what may occur when we get into debate. It's unfortunate that we didn't have that opportunity yesterday. But the point is that there is no charge unless one is specifically made, or unless the House chooses to make one. I go on, Mr. Speaker, to say:

It may, however, be a statement of condemnation for a breach of privilege or an order for an individual to appear at the Bar.

Mr. Speaker, there's an important difference between the process that determines whether a *prima facie* case of privilege exists, and the course that follows after a *prima facie* case has been established. If a *prima facie* case has been established then, under the rules of our Legislature, any member — presumably, in this case, me — but perhaps even the Minister of Education,

may give notice not later than at the conclusion of the next sitting day of a motion to deal with the matter further.

Mr. Speaker, that's very clear. But we can't even get to that point until we have established whether a *prima facie* case of privilege exists. The hon. Minister of Education is putting the cart before the horse. The steps are very clearly enunciated in our rules, and the first step is to establish whether in fact a *prima facie* case exists. We have had many examples of privilege. In every Assembly there are scores of examples of privilege. But normally, if

there is a serious discrepancy in a member's statement, the matter is raised. The matter may be further followed up by a motion to refer to the Committee on Privileges and Elections, or it may be withdrawn.

The point I made in my letter — and I want to be fair to the hon. Premier as well — is that in my judgment there were serious inconsistencies in statements he made. In my judgment, it was incumbent upon all members of the House that there be a reconciliation of those statements. If that reconciliation is appropriate, then it would undoubtedly be likely that I as a member of the House would withdraw the matter, and I would assume that in normal parliamentary tradition, all members of the House would accommodate that request to withdraw. Or it might be that it's a subject of debate. It might be that it's a subject of such overwhelming concurrence that the matter is sent to the Committee on Privileges and Elections, as in 1971 when the hon. Premier was the Leader of the Official Opposition. Or it may be subject to a difference of opinion, a difference of interpretation, and so we have a vote on it. So be it. But that, Mr. Speaker, is the next step; that is, any member

may give notice not later than at the conclusion of the next sitting day

So, Mr. Speaker, we find — and this is the rather incredible thing — the hon. Member for Edmonton Meadowlark, along with the Minister of Education, jumping the next hurdle, concluding that there is a *prima facie* case of privilege, and talking about a court system. One would almost think that the Premier was a prisoner in the dock. I read:

One of the first things a prisoner has to know in that kind of proceeding is the charge.

Well, Mr. Speaker, that may be true. But that was certainly not the prerogative of the hon. Member for Edmonton Meadowlark to say yesterday. One has to establish a *prima facie* case. That's all he can do. According to the rules of this Assembly or the rules of our parliamentary system, that's all the Speaker can ever decide: is there a *prima facie* case or not? If there is, it becomes the prerogative of the House, the property of the House, to deal with it.

But it's not the prerogative of the Speaker to make that judgment. Everything the Speaker said yesterday with respect to a court is, with the greatest respect to the hon. Member for Edmonton Meadowlark, totally out of order. He can't even begin to make those assessments until he has made a judgment as to whether there is a *prima facie* case of privilege. So we have a situation where the hon. Member for Edmonton Meadowlark — and I impute no motives to him — blundered, fumbled, and made a series of decisions yesterday that are totally inconsistent with our rules.

The issue hon. members have to deal with today — and we must be accountable to our constituencies and to people who are going to read our remarks in *Hansard* and judge us — is whether or not a ruling which is wrong, a ruling which is inconsistent with our parliamentary tradition, is going to be sustained or whether we are going to say that it is totally incorrect.

The Speaker is the servant of the Assembly. If members reject this kind of appeal, then by implication they must be held accountable for supporting a theory of dealing with privileges which, if established would be unlike any other theory anywhere else in the Commonwealth of Nations.

Mr. Speaker, I really suggest that hon. members who belong to the party of John Diefenbaker, who was one of

the great parliamentarians of all time, that hon. members who belong to the worldwide party that included luminaries such as Winston Churchill, great parliamentarians of Commonwealth history, would be ill-advised indeed to reject a motion which is calling upon this Legislative Assembly to insist that its servant apply the rules consistently as we've developed them in relationship to *Beauchesne*, in the tradition of our parliamentary systems.

[Two members rose]

MR. DEPUTY SPEAKER: I believe the hon. Minister of Education caught the eye of the Speaker first.

MR. SINDLINGER: On a point of order. I wonder if you'd explain Section 12(2), perhaps give us an indication of what you will do in regard to the next speakers after the Minister of Education.

MR. DEPUTY SPEAKER: Referring to the section the member has brought to the Chair's attention, I don't see any need for an explanation. Everybody in the Assembly has the right to stand at any time he wishes to participate in the debate. The Speaker will note who caught his eye first. When that speaker has concluded his remarks, it is time for other members to stand and, once again, the Speaker will decide who has caught his eye first.

MR. SINDLINGER: Mr. Speaker, in regard to your explanation, may I simply just say this please. Once last year, you and I went through the same thing. May I suggest that sometimes when you stand to see who else is speaking, you look down the centre of the aisle and not just to that side.

SOME HON. MEMBERS: Order, order.

MR. DEPUTY SPEAKER: Order please. There is a different situation when we are in a committee of the whole Assembly. Then, the person in the Chair will sometimes designate an order of speaking. But in the Assembly itself, the Speaker will have to say who he thinks stood up first. That's my decision at the moment.

MR. KING: Mr. Speaker, this is undoubtedly a debate which I will keep close at hand in years to come. On the basis of some of the contributions already made, I'll xerox the transcriptions of some remarks and distribute them to some people, because I think they illustrate at least a fundamental difference in understanding the nature of law in this country. I'd like to return to that in a few moments.

I'd first like to speak to the nature of privilege in the Legislative Assembly and, for the purposes of the debate, repeat briefly some things already said. I refer to Annotation No. 17 in *Beauchesne*:

A question of privilege ought rarely to come up in Parliament. . . . A genuine question of privilege is a most serious matter and should be taken seriously by the House.

There is the question of what constitutes a question of privilege. The hon. Member for Spirit River-Fairview, having reference to one annotation, has continually tried to say that it does not necessarily relate to a charge. I would like to refer him to Annotation 40:

In any case where the propriety of a Member's actions is brought into question, a specific charge must

be made.

A question of privilege turns on a charge being made. Annotation 18:

. . . Members of the House of Commons, like all other citizens, have the right to be regarded as innocent until they are found guilty, and like other citizens they must be charged before they are obliged to stand trial in the courts.

In the context of 40 and 17, I would like to come back to Annotation 85, which was referred to by the hon. Member for Spirit River-Fairview. It says:

A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action.

It goes on to say that the action might be referenced to the standing committee, in order to receive a report, or the case might be so overwhelming that the House itself would take action without reference to the committee. But in either case, there must be a motion.

Finally, I'd like to have reference to Standing Order 14(2), which says:

A member wishing to raise a question of privilege shall . . . call attention to the alleged breach of privilege

A charge is involved. What is the nature of the charge? Annotation 80.2, or Anson, which I referred to earlier, makes it clear that the charge is of a contempt of the Legislature, either of the Legislature collectively or of an individual member of the Legislature. But the charge made, the charge under consideration, is of a contempt. Much has been made of the fact that yesterday in the Chair, Mr. Speaker Amerongen said that the conditions of Standing Order 14 had been met.

I think that was an error on his part, a slip, but I do not consider it to be significant or substantial. Standing Order 14 actually has eight subsections. It is patently obvious that even had there been further discussion yesterday, the conditions of Section 14, Subsections (1) to (8), would not have been met. It seems clear to me in the context of his remarks that Mr. Speaker Amerongen was simply saying that those conditions of Standing Order 14 which require prior notice to him, had been met. Nothing more and nothing less.

The question of the process is asked. First, it is clear that a charge must be made by a member, and he stands responsible to this House for the charge he makes. Secondly, there must be something in the way of a preliminary hearing. It is not the responsibility of Mr. Speaker to determine whether or not the person charged is guilty of the offence for which he is charged. It is his responsibility to establish whether or not there is a *prima facie* case. Nothing in Standing Order 14 says that the second step must follow immediately after the first step. There is nothing which says that because notice was given to Mr. Speaker yesterday, the establishment of a *prima facie* case also had to be done yesterday.

The thing that is of concern to me, Mr. Speaker, is that in the circumstances of this situation, we hear an argument made in this House that would be absolutely repugnant to us all if it were made outside this House. Freedom is a concept which has validity only within a reliable structure. In my mind at least, there is a difference between freedom and licence. They are not the same thing. With respect, the hon. members of the opposition do not have licence to say or do as they wish, either by virtue of being a minority or by virtue of being ignorant of the *Standing Orders* and the traditions of the Assembly.

The hon. Member for Spirit River-Fairview has an undoubted right to make a charge against any member of this Assembly, including the hon. Premier. He has an undoubted right to have that charge considered by the members of this Assembly. He has an undoubted right to a determination from the Speaker as to whether or not it has precedence over the other business of the House. He has an undoubted right to a determination by the members of this House acting as the highest court in the province. None of those things is in question. What is in question is whether or not the accuser has the right to make a charge other than in the presence of the accused.

Outside the walls of this Chamber, a concept known as habeas corpus has application. Not being a lawyer, I can only give you a layman's description of how it operates. I understand it was gained for us all at some cost, sometimes a cost in lives. The concept of habeas corpus, which not one of us would question in police court downtown, in the district court, or in the Supreme Court of Alberta, says that you cannot make a charge in court without the presence of the accused. What we have here is the argument that within the walls of this Legislature, we should not concern ourselves with habeas corpus. When I went to school, we studied the Court of Star Chamber under Henry Tudor, and the courts of the Spanish Inquisition. We were told that their form of justice was repugnant to us for various reasons, to which I would invite all hon. members' consideration.

The question is very simple. If a question of privilege turns on a charge being made, is it right or not right that the charge be made other than with the accused being present? I find that repugnant in law. I believe it is repugnant in the constitutions of unions, associations, municipal governments, and school boards from one end of the country to the other. I am surprised that when there is no question of the hon. member's right to raise a point of privilege, what he is insisting on is his right to raise it at a time of his choosing, whether or not the accused is present in this Chamber.

Much has been made of the fact that there is no precedent for what happened yesterday. Mr. Speaker, to that I say, thank God. I would not like to think that there were many cases in any other parliament in this country where an hon. member had risen to make a charge against another hon. member other than with that hon. member being present in the House. The question of precedent, as has been described by hon. members, is absolutely irrelevant. Let me ask them for this precedent: can they cite to me one case, in this or any other parliament in Canada, in which a charge was made against a member other than with that member being present? If they can give me that kind of precedent, I will be interested in that.

MR. NOTLEY: No problem, Dave, no problem. How many cases do you want?

MR. KING: One will suffice, and I'll be interested to see it.

Reference was made to *Erskine May*, page 73, about who first has an opportunity to propound a question. As I said earlier, that is not at issue. The hon. Member for Spirit River-Fairview has the first opportunity to propound the question. It is recorded in Votes and Proceedings as a question of privilege raised by him. On an occasion in this House, he will have first opportunity to explain it and to make address to the Speaker on the question of relevance. There is no question as to who

propounds it, in the same way that there is not question as to who first propounds a resolution or a Bill, in spite of the fact that we have written notice of it before it is propounded in the House. The word "propound", as used by *Erskine May*, is not a reservation on information. It is a reservation on the opportunity to speak to the question. And that opportunity lies with the hon. member.

I believe the question is one of the application of the rules of natural justice. The right to lay the charge is not at issue. The right to have it heard here is not at issue. The question is whether or not the same rights and protection of the law accrue to the accused that is claimed by the accuser. I suggest that he has those rights, that Mr. Speaker Amerongen ruled correctly yesterday, that he could have made no other decision.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Calgary Buffalo.

MR. CRAWFORD: Mr. Speaker, on a point of order before the hon. member proceeds. I would ask for the indulgence of the House in this respect. A number of members would like to speak. Before it's too late to do so, I was going to suggest that we stop the clock at 5:30 by unanimous consent, which we can do now rather than then, and proceed at least a little beyond that time in order that some other members can speak; stop it at least until such time as a further adjournment motion is made.

MR. DEPUTY SPEAKER: Having heard the suggestion by the hon. Government House Leader, are you all agreed?

HON. MEMBERS: Agreed.

MR. SINDLINGER: Mr. Speaker, I rise to support this motion. I address the comments in regard to the motion not only to the members present today but also to the Speaker of the Legislative Assembly, who I'm certain is in his chambers listening to this debate. In my opinion, Mr. Speaker, if I may be allowed to express it in debating this motion, one of the most fundamental bases . . .

MR. RUSSELL: Mr. Speaker, on a point of order. When the hon. Speaker, Mr. Amerongen, left this chamber, he indicated to the members that he didn't wish to participate or be present in the room and hear the remarks. He also specifically made a point of saying that he would not be in his office listening to the remarks of hon. members. I think the hon. Member for Calgary Buffalo should withdraw the remark that he had no doubt that the hon. Speaker was in his office listening.

MR. DEPUTY SPEAKER: I regret that at the moment the Chair was writing a note and didn't hear the remark. But if it cast any ulterior motives or imputed anything against the Speaker, I think it would be quite in order to have it withdrawn. I cautioned everybody when we began this debate that I hoped we would keep it on that sort of level. I trust that I won't have to get any more explicit than that.

MR. SINDLINGER: Mr. Speaker, I was not in the House when the regular Speaker made those comments and left. I don't mean to impugn or infer anything about anyone in any regard. I did think that perhaps he would be there. If he isn't, if that's out of order, I withdraw it. I

apologize for that.

In regard to the motion before us, I believe there is one basic fundamental to democracy, and that is that we have majority rule, with respect for minority rights. There's no question about that. Yesterday, in my judgment, a member of this Legislative Assembly rose on a point of privilege. That member rose in strict accordance with the rules. Nevertheless, he was denied the opportunity to speak. I believe that if the Legislature is to function properly, as it should in a democracy, there should be complete freedom to speak.

In a few moments, Mr. Speaker, if I can anticipate — not prejudging what's going on here today — I think this motion will be voted down, 72 to six. But I don't believe this is a case where the majority makes right. There must be respect for that minority right. Simply stated, the minority right is the freedom of speech. That was not evident in this Legislature yesterday. If I am to be punished because I rose on a point of privilege, as was implied earlier today, then let it be said that I am to be punished because I stood here and spoke for freedom of speech.

MR. KOZIAK: Perhaps I could begin my remarks on this motion by indicating to the Member for Spirit River-Fairview that I have not had the opportunity to read the letter to the Speaker that he quoted from. While I develop my remarks, if he would be willing to share a copy of that letter with me, I would be much appreciative.

During the course of contribution to the debate, the Minister of Education indicated that he expected the course of this debate would be such that it would be embellished on his mind for years to come. Having regard to the excellent contribution he made to the point at issue, I'm sure he will. I would like to adopt, as many of the points I would make, those points he so excellently addressed to the Assembly on points of privilege.

However, Mr. Speaker, I want to embellish certain aspects of the remarks of my colleague in that respect. Those are with respect to the point of privilege. The hon. Member for Spirit River-Fairview is well aware, as are all hon. members in this Assembly, of the rules of this Assembly, previous rulings of this Assembly, and precedents from other Houses. We're well aware that on every occasion a question of privilege was raised, in which the question was based on a disagreement of facts, the Speaker has always ruled that a disagreement on facts is not a question of privilege.

So I can only assume, having served for the same length of time in this Assembly as the Member for Spirit River-Fairview, that he knew full well that a disagreement on facts was not in fact a question of privilege. He must have been raising something much more grave than a disagreement on facts; so grave, Mr. Speaker, that were the words uttered in this Assembly in the presence of the member against whom they would be uttered, that member himself would have the right to stand, claim the remarks to be unparliamentary, and claim a breach of privilege.

That, taken in conjunction with the excellent points raised by my colleague the Minister of Education, is an indication of the seriousness and graveness of the charges I expect the hon. Member for Spirit River-Fairview would have raised. I don't know if a copy of that letter is forthcoming from the Member for Spirit River-Fairview, but I assume it will in due course.

The Member for Calgary Buffalo and the Leader of the

Opposition both stood in their places today to speak of freedom of speech. Freedom of speech is one of the most important aspects of our service in this Assembly. As a matter of fact, we in this Assembly have freedoms relative to speech that do not exist outside this Assembly. We have freedoms that are not encumbered by such matters as our own laws with respect to defamation. We have many freedoms not afforded to members outside this Assembly. To make sure those freedoms are not abused, we have certain rules. Those rules also include the question of privilege that I raised, that might have been raised on the part of the member who is not here, had certain allegations been raised in his absence.

There was an accommodation, which the Member for Spirit River-Fairview asked, in the way he presented his question of privilege. I recall his remarks to the effect that he couldn't have raised the question of privilege on Monday, for he was absent from the House until just minutes before we adjourned on Monday. Accordingly, he couldn't have raised the question of privilege on Monday. He assumes, and we agree, that under circumstances of that nature, the member then raised the matter on the earliest opportunity, which was Tuesday, because unavoidably he was unable to be here on Monday. I would think that a member of this Assembly who believed in fairness and equity would, if he expected that type of consideration, were he unavoidably away from the House, and the time limits on the determination of whether or not he complied with Standing Order 14 were applicable, that same concept of fairness should be extended to the member who is not here to hear a charge that would be alleged relative to that member. I would expect that the Member for Spirit River Fairview would provide the same courtesy to a member not here as he would expect for himself and, as he outlined in his argument, as he expected for himself, having been unavoidably away on the particular Monday.

Mr. Speaker, the resolution we are addressing our minds to this afternoon deals with a suggested failure by Mr. Speaker Amerongen. If there was a failure on the part of Mr. Speaker Amerongen, it was in not jumping to his feet sooner on the question of privilege raised by the Member for Spirit River-Fairview. If there was a failure on the part of Mr. Speaker Amerongen, it was in not acceding earlier to the request contained in the hon. member's own letter.

I search now, Mr. Speaker, for the statement read by the hon. Member for Spirit River-Fairview during the course of his debate relative to the absence of the Premier, if I can find that.

MR. NOTLEY: Page 2.

MR. CRAWFORD: You didn't get the highlighted copy that the hon. member was reading from.

MR. KOZIAK: True. I thank the hon. member for his assistance in providing me with a verbal index. The two paragraphs I would read:

I fully realize that this is an extremely difficult matter. It is further complicated, I understand, by the fact that the Premier will not be in the Assembly this afternoon and may not, in fact, be back tomorrow.

Accordingly, I would have no objection to your reserving judgment on the question of whether or not a *prima facie* case of privilege exists in this matter until such time as you have had a reasonable oppor-

tunity to ascertain from the Premier his position in this regard.

Mr. Speaker, the hon. member suggests that the matter not be dealt with, that a determination of a *prima facie* question of privilege not be determined until the Premier's presence. If there was an error, the error was in the Speaker not rising in his position in the Chair soon enough to respond to that request and to accede to the hon. member's own request.

MR. NOTLEY: Mr. Speaker, on a point of order. I'm sure the hon. Minister of Consumer and Corporate Affairs would not want to mislead the House, however unintentionally. While he's certainly entitled to debate his opinions on matters, he is not permitted to attribute to me statements which in fact I did not say.

I think it should be made clear to hon. members of the House that there is a difference between a Speaker rendering a judgment subject to Subsection (5), and the route that is set out clearly in Subsection (2). Subsection (2) says "shall . . . call attention to the alleged breach of privilege and explain the matter". It is the "shall . . . call attention . . . and explain the matter", which is the substance of the entire debate put forward by the hon. Leader of the Opposition.

MR. KOZIAK: Mr. Speaker, on the point of order. I didn't attribute to the hon. member remarks he did not make. I only read two paragraphs in his own letter. Perhaps a repetition of that second paragraph would be useful:

Accordingly, I would have no objection to your reserving judgment on the question of whether or not a *prima facie* case of privilege exists in this matter until such time as you have had a reasonable opportunity to ascertain from the Premier his position in this regard.

Mr. Speaker, it's quite clear in that paragraph . . .

MR. NOTLEY: On a point of order, Mr. Speaker, it's very clear what the letter says. There should be no misinterpretation of it. The letter simply says to the hon. Speaker that in determining an assessment of whether a *prima facie* case exists, I would have no objection that he reserve judgment per Subsection (5). I don't have to read out the rules in my letter to the hon. Speaker. The Speaker knows perfectly well what the rules are. The rules that relate to the notice are that a member "shall" give. Included in that "shall" give, is an explanation of the matter of the House. That is part of the "shall". The discretionary aspect that I clearly said I have no objection to relates to: "Mr. Speaker may allow such debate as he thinks appropriate" to determine "whether a *prima facie* case" exists.

Of course, there are many examples in parliamentary history, including our own history, where a Speaker quite appropriately allows a brief statement to be made, stating the point of privilege, and then reserves the matter for several days, however long it takes before the matter is further debated. The question again, and I make it very clear, relates to the right of the member to state briefly, according to 14(2). The letter is based on the implicit assumption that the hon. Speaker knows the rules.

MR. YOUNG: Mr. Speaker, that is not a point of order. That's a restatement of part of the debate.

MR. KOZIAK: Mr. Speaker, the hon. Member for Spirit River-Fairview knows full well that he must provide the one hour's notice. The letter is therefore to protect the one hour's notice. There is no necessity in the letter, no necessity under the rules, to make reference to the fact that the hon. member against whom a charge may be brought is not in the Assembly, and that that might complicate matters. There is no necessity to advise the Speaker that the hon. member raising the charge has no objection to judgment being reserved. There's no necessity to do this in the notice. I can only presume that, having raised these points in his own letter, Mr. Speaker, the hon. member realized full well the gravity of the occasion and the need to ensure that the person against whom the charges were being brought would be in the Assembly. He knew full well; otherwise why would he have referred to the matter in his letter.

He now gives an interpretation that the words do not afford. He now gives an interpretation that he wishes he might not have given at the time, having regard to the circumstances. But at the time, Mr. Speaker, the letter is clear. The words are clear. There's a recognition by the hon. member that the member against whom the charges would be laid would not be in the Assembly, that that would complicate matters. Further, he suggests to the Speaker that perhaps he should reserve. [interjections]

The decision of the Speaker that might be questionable — as I indicated at the outset, before I began reading these two paragraphs — was that he did not step in soon enough. That is no reason for us to support the resolution put on the Order Paper by the Leader of the Opposition.

DR. REID: Mr. Speaker, I intend to make only some brief remarks. They'll be made quietly, without bombast; but for all that, with great sincerity. The facts of the matter under debate today and the varying perceptions of different members of those facts have been very adequately addressed by other members of the Assembly.

I'm a young parliamentarian in years, but I have a growing concern about the respect of Canadians for the entity of parliament. Without those parliaments — and we have 11 of them, and hopefully two in the future — we do not retain our parliamentary democracy. I'm concerned about any behavior by any person, in or out of parliament, which in any way tends to undermine the foundations of our system. I'm particularly concerned if the behavior is unjustified or, even more so, if it is by members of this Assembly and is also unjustified.

The cornerstones of our parliamentary system are respect for the entity of parliament, respect for its rules in this Assembly, and respect for the officers of the Assembly. If we are to ask for the respect of the people of Alberta for this parliament, surely we ourselves must respect its rules, the long traditions from which it is derived, and its officers.

Mr. Speaker, partisan politics and the functions of the official opposition have a long history, and they're essential to the survival of the parliamentary system. Surely that parliamentary system should not be attacked or eroded by any parliamentarians. It's of considerable sorrow to me that in successive weeks we have seen attacks on the integrity of the Auditor General and now Mr. Speaker Amerongen. That sorrow is made more profound by my conviction that those attacks are unjustified.

DR. BUCK: Come on, Ian, you know better than that. [interjections]

DR. REID: Mr. Speaker, parliamentary democracy has a long history of many centuries. During those centuries, there has been a steady building of the system we work under. I hope the beginning of the dismantling of that system does not occur in this Parliament.

Thank you.

MR. COOK: My points are going to be very brief. I, too, would like to echo the sentiments offered by the hon. Minister of Education. But I would like to add one more; that is, the procedure the opposition has adopted today by moving what amounts to a motion of censure against the Speaker, asking for his ruling to be overturned, is in effect a motion of non-confidence. This should be contemplated very, very seriously. Because as *Beauchesne* points out in an earlier edition, such an action was contemplated in the United Kingdom Parliament most recently in 1902 and before that in 1777. It's an action not to be done lightly.

In his ruling yesterday, the Speaker of the House simply postponed the opportunity for the hon. Member for Spirit River-Fairview to make his presentation to the House [until] the hon. Premier is present in the House to listen to the charges. Again, *Beauchesne* points out that a matter of privilege can be postponed for consideration for the convenience of the House or to secure the attendance of a member being implicated. That is referred to in *Beauchesne* as last happening in about 1907.

The question really is whether the hon. Member for Spirit River-Fairview should have been afforded the opportunity to charge the hon. member yesterday without his presence for the opportunity to reply to that charge. What disturbs me is the fact that the opposition is trying to question the impartiality of the Speaker and, by doing so, trying to suggest that a small, valiant band is fighting against a large majority with the rules being written by that majority.

I'd like to close with some folk wisdom, not of my own but speaking today with a constituent. He was watching the news last night and observed the actions of the opposition. He was surprised and somewhat shocked that the activities in the House yesterday so strongly resembled the activities in the House of Commons, which he referred to as a kindergarten. I guess the point I'm making is that the actions of the opposition, trying to undermine the Speaker, should not be considered lightly and have been done very infrequently in British parliamentary history. They're doing it over a very small and minor point. I don't know what their motivation is. I'm not going to suggest what I think it is. But it's calling into disrespect the very integrity of this institution, not just the Speaker.

I think that hon. members in the opposition should think seriously about what they're trying to accomplish. If it's simply questioning the role of the umpire, and therefore calling into question the results of the game, then I think they have reduced parliament in this province to a game. Surely we have a responsibility here to citizens of the province which is much more serious than simply trying to make this resemble a game. I'm deeply sorrowed that this is exactly what opposition members have been doing. With that, I don't think I need to say any more.

DR. BUCK: Mr. Speaker, it will require great restraint on my part to not get too excited after listening to the hon. members for Edmonton Glengarry and for Edson. But it has become a PC paranoia that if you question

anything done other than the way they like to have it, you're either trying to undermine someone's integrity or you're being un-Albertan or unpatriotic. I find that just a little hard to swallow.

What we are concerned with here is: did the Speaker do his job as a servant of this Legislature or did he not? I have the greatest respect for the Speaker, and I have the greatest respect for the Auditor General. But if either of those hon. gentlemen has blown one, then it's our responsibility to bring it to the attention of this Assembly and to the attention of the people of this province. As an umpire who used to referee ball games, we all blow them. And this Speaker has blown one.

AN. HON. MEMBER: That's your opinion.

DR. BUCK: My opinion, certainly my opinion. But what I'm trying to do is make this argument within the confines of the rules we operate under.

I think it's also time that we had a little common sense enter the debate. Let us look at a scenario where there is a community meeting. A chairman is in place, and an hon. member of that meeting says, Mr. Chairman, I would like to propose something. The chairman says, I have already made a decision. How do I as a member of that meeting know what the person said to the chairman? That is exactly what happened here, Mr. Speaker. To this instant, I do not know the point of privilege the hon. Member for Spirit River-Fairview was going to raise. Are we not as important in this Legislature as the Speaker? The Speaker is a servant of this Legislature.

MR. BRADLEY: [Inaudible] distributed the material to you, Walt.

DR. BUCK: The hon. Member for Pincher Creek-Crowsnest said, did he distribute the material to me. I purposely did not try to look at any material, because the action and all debate should be in this Legislature. I do not think it is acceptable that a Speaker makes a ruling outside this Assembly. That is what has happened. To this instant, I do not know what the point of privilege is, who it is against, or what the Member for Spirit River-Fairview was raising. I do not know, because it was never brought to this Assembly. How can you make a decision on something affecting this Assembly, that has not been brought to the Assembly? All that hon. government members have to do is read our own little rules of proceedings in this Legislature. That's all we have to do.

The hon. Minister of Consumer and Corporate Affairs said the Member for Spirit River-Fairview said it was not an opportune time to bring it up; it could be held in abeyance. But this would be after the motion was moved. That motion has never been moved. And all government members have to admit that. They can . . .

AN HON. MEMBER: What motion?

DR. BUCK: That's right; what motion? The motion of privilege, hon. member.

MR. KOZIAK: There's nothing about a motion in the Votes and Proceedings.

DR. BUCK: That's right. Because the Speaker of this Assembly did not permit the hon. member to make that motion.

MR. NOTLEY: Rushed to judgment.

DR. BUCK: I know that I may be losing my hair, and my ears may be going a little bad. But I did not hear the hon. Member for Spirit River-Fairview make his point of privilege in this Assembly. [interjection]

If you wish to play lawyer, Mr. Member, that's fine. If you wish to fool around with the rules, that's fine. But the man in the street has not heard — no one in this Assembly has heard — the member make his point of privilege. And that's really what the argument's about. We can drag red herrings across the floor as much as we wish, but that is what the whole argument is about. That is where the Speaker erred, Mr. Speaker. In his wisdom, or lack thereof, he took it upon himself to make a decision outside this Assembly. No one can deny that. The Government House Leader can't deny that; the hon. Member from Edmonton Strathcona can't deny that.

MR. CRAWFORD: I deny it.

DR. BUCK: I sure hope you don't defend me in a murder trial.

MR. NOTLEY: Although there's provocation.

MR. CRAWFORD: I could get you off on insanity anytime. [laughter]

DR. BUCK: Mr. Speaker, when a government member, and especially a man as honored as the Government House Leader, stoops to that kind of rhetoric, we know that our case is very, very valid. That convinces us that the argument is very valid. I won't even ask the hon. member to withdraw that. Let it stay in *Hansard*, Mr. Speaker. He can be proud of it.

Mr. Speaker, what happens from here on if this precedent is allowed to stand? Section 119 on page 39 of *Beauchesne* says:

Speakers' rulings, once given, belong to the House which, under S.O. 12, must accept them without appeal or debate. They become precedents and form part of the rules of procedure. The Speaker is not vested with the power to alter them of his own accord. If they have been given under misinterpretation, the House itself, and not the Speaker, should take the initial steps to avoid the consequences or implications. Such actions would not be considered as an appeal against a decision of the Speaker.

Mr. Speaker, if this is not reversed, it's not going to be this Assembly that decides what a point of privilege is; it's going to be the Speaker of this Assembly. The Speaker is a servant of this Assembly. He is not superimposed upon the Assembly.

Mr. Speaker, when we are looking at in plain, ordinary common sense, the point of privilege has not been made by the hon. Member for Spirit River-Fairview. The Speaker blew one. Mr. Speaker, it cannot be more plain than that.

MR. PAHL: Mr. Speaker, speaking on the motion, I think it's well to know that the man on the street will not appreciate the special rules and responsibilities members of this Assembly have. We have responsibilities as well as rights, and part of the rules the man on the street will not understand with respect to a breach of privilege is Section 14(3):

A member may always raise a question of privilege

in the Assembly immediately after the words are uttered or the events occur that give rise to the question.

Mr. Speaker, I think the man on the street can understand that there could be only two reasons why the supposed breach of privilege was not raised when the alleged breach took place. Either there was no breach of privilege, or the member didn't have the guts to raise it then. [interjections]

AN HON. MEMBER: Cheap shot, cheap shot.

MR. BRADLEY: Mr. Speaker, I just want to make a few comments with regard to the motion before us. It has been suggested that the hon. Member for Spirit River-Fairview is being denied his right to put forward his question of privilege. If I may, I'd like to quote from what the Speaker said yesterday:

I realize that the hon. member will wish to put it fully, and he certainly has that right.

So the hon. Speaker has recognized his right to put the question fully. He goes on to say:

What I'm saying is that he doesn't need to put it fully twice. Therefore, it can be put fully by the hon. member when we're ready to deal with it.

The question of when we're ready to deal with it has been adequately dealt with by the hon. Minister of Education when he quoted from page 170 of *Erskine May*, which deals with the question of whether the charge, the alleged breach of privilege, should be made without the member who is being charged being present. *Erskine May* says:

Before making a complaint against a Member it is the practice, as a matter of courtesy, to give him notice beforehand.

He goes on to say:

If a Member who makes a complaint against another Member has failed or been unable to give the Member notice of . . . intention to do so, or if although the latter has been given notice he neglects to attend, the more regular course is to adjourn further consideration of the matter of the complaint to a future day and to order the Member whose conduct is impugned to attend the House in his place on that day.

Clearly, the Speaker was delaying consideration of the matter until the hon. member who was being charged was present in the House.

MR. CRAWFORD: Mr. Speaker, I just want to speak very briefly and perhaps contribute just a little to the mood that several hon. members have said they desire, and that is the peaceful nature of maybe the concluding minutes of the debate of this motion. I really only want to say two things, and I want to say those because I think the erudition with which the Minister of Education stated the precedents and canvassed the existing rules, was outstanding, and in fact leaves not much that may usefully be added in that regard.

I know the hon. leader will shortly have a moment, or whatever time he takes, to close debate and will have another shot at me in that respect. I just want to say that I thought it was unfortunate — and maybe it was just because of the heat of the moment and he didn't think it through — in the circumstances involving Mr. Speaker Amerongen, as the circumstances do, to suggest to him that there was something fine about the hon. leader's desire that Mr. Speaker remain in his Chair for the

discussion. No person who is the subject of a proceeding which is meant to find fault with him or criticize him, chairs those proceedings. In the minds of most people, it is not possible that the person who is so being challenged also be the chairman. And so I thought, Mr. Speaker, that having you in the Chair is indeed the correct thing, and the suggestion that anything else could happen would be wrong.

The other thing I wanted to say, Mr. Speaker, was just one further reference to Standing Order 14. If any piece of paper in Alberta today could have the words fading on the page as the result of the number of times it's been read, I suppose it's good old Standing Order 14. I want to make this point. At this moment, the important subsection for my point is Subsection (4), where two matters are really raised. We have all noted that the Speaker dealt with the question of whether or not the matter had been raised at the earliest opportunity, and for that reason I don't want to address myself to that. I concur in the view that the matter was raised at the earliest opportunity. I did want, though, to look at the reference to the fact that

Mr. Speaker may allow such debate as he thinks appropriate in order to satisfy himself whether a prima facie case of ... privilege has taken place

....
Mr. Speaker, I say to you that that standing order, as much as any other standing order, is of course a rule for the guidance of all members, and all members are bound by it. But more so than that, it confers upon the Speaker an important discretion. The important discretion is that he may allow such debate as he thinks appropriate. To have the right to determine that, as this Assembly has said the Speaker has, clearly includes within it the right to determine whether or not, at any point, that debate should be adjourned. That has directly to do with the amount of debate that's appropriate. The issue has not been taken away from the House in any sense; it has been deferred.

Let me ask this, Mr. Speaker. If the Speaker who is in the Chair when the matter comes up has not the right to adjourn the proceedings, who has? Shall we ask, does the member who raises it have the right to adjourn consideration when the rule says the Speaker is the one who determines what is appropriate in respect to debate? If we said the member who raised it had the right, we would be saying that the standing order could be set aside and placed in the hand of an hon. member, instead of interpreted by the Speaker on behalf of all members as is intended. So maybe I have emphasized that sufficiently, Mr. Speaker.

I want to conclude with the thought that, because of Section 14(4), the Speaker in fact has the duty to conduct himself in accordance with what is appropriate. No other person in the Assembly at the time has the obligation, pursuant to the rules, to exercise that determination of what is appropriate. I conclude by saying I'm satisfied that on any rule of construction, the right to determine the debate and the appropriateness of it includes the right to determine, when that takes place, whether or not at any given time it should be adjourned.

MR. NOTLEY: Mr. Speaker, before we conclude debate, I'd like to rise on a point of order with respect to the extremely unfortunate remarks of the hon. Member for Edmonton Mill Woods with respect to either there was no point of privilege or I did not have the guts to raise it.

Mr. Speaker, I would just refer you, sir, to Citation 320 of *Beauchesne*, and perhaps you might ask the hon.

Member for Edmonton Mill Woods to reconsider his rather foolish remarks in light of the very clear strictures on the things you cannot say, or even infer, with respect to other members of this Assembly.

SOME HON. MEMBERS: Question.

MR. NOTLEY: Well, Mr. Speaker, are we going to get a withdrawal of those offensive remarks or not? It's very clearly stated in Citation 320. If the member has any understanding at all of the rules, he'll stand in his place and withdraw those offensive remarks.

MR. PAHL: Mr. Speaker, I thought there was some ruling from you. I thought about using the words "intestinal fortitude", but I learned earlier in my career that those were not suitable either. In respect to the rules of this House and *Beauchesne*, I will withdraw the remarks and the inference to it.

MR. DIACHUK: As many people have quoted from different quotations, may I just take a moment and quote from the Gideon Bible, that I carry with me, Matthew 7:1-5, on fault-finding:

Judge not, that ye be not judged.

For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or how wilt thou say to thy brother. Let me pull out the mote out of thine eye; and, behold a beam is in thine own eye?

Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

MR. DEPUTY SPEAKER: Does the hon. Leader of the Opposition have leave to close the debate?

HON. MEMBERS: Agreed.

MR. R. SPEAKER: Mr. Speaker, I thank you very much, and I appreciate the debate that has gone on this afternoon. First of all, I'd like to relate my remarks to the remarks of the Attorney General, in which he referred to Section 14(4) and the words "may allow such debate". But I think what is important — and we shouldn't forget it in this Legislature — the important section refers to the responsibility of a member raising a point of privilege. It says very clearly here that a member who wishes to raise a question of privilege "shall". It is incumbent upon the member at that time to call attention, just call attention, not lay a charge as has been inferred by the Ministers of Education and the Minister of Consumer and Corporate Affairs. No charges laid, just

call attention to the alleged breach of privilege and explain the matter.

That is compulsory. There are no options when a point of privilege is raised in this Assembly. After that, the "may" clause comes into force, Mr. Speaker. That "may" clause can be questioned as well, and it's right, the rule is right. The Speaker has that guideline to follow in obtaining information relative to the supposed breach being made. So, Mr. Speaker, I'd like to refer historically ...

MRS. OSTERMAN: Point of order, Mr. Speaker. Just for clarification, I'd like to go back to the hon. member's remarks when he quoted from Section 14 and added, at that point in time. Certainly for the benefit of the House, all members should recall by looking at this section that it does not say, at that point in time, when referring to the shall.

MR. R. SPEAKER: Well, Mr. Speaker, I think the words here say very clearly what a member wishing to raise a question of privilege shall do:

... call attention to the alleged breach of privilege and explain the matter.

Well, on the day the member wishes to do that, that is his action. So I said "at that time". The time was yesterday, after Prayers. That was the time the hon. member took. That was the time denied to the hon. member in this Legislature, and that's why we're concerned about the abuse of rules.

My hon. colleague cited 119, which even adds to the situation. If we accept that Speaker's ruling, it will allow the Speaker — and this is where there is real abuse — to be the person who determines whether or not a point of privilege is raised in this Legislature. The Speaker makes the decision, and that's the decision he made yesterday. It was he who decided whether the point of privilege was to be raised, not the hon. member, because he was not allowed to speak. I think that is unfair. He has not a right to delay the matter. There is no ... in the rules.

I would like to refer to *Hansard*, October 31, 1977, with regard to that question. The Speaker said very clearly, and I agree with him — this is with regard to a point of privilege raised by the hon. Mr. Yurko, who was a minister of the Crown at that time, concerned about a statement of the hon. Bob Clark, Leader of the Opposition at that time. This is what the Speaker, the hon. Member for Edmonton Meadowlark, said about a point of privilege:

The well-established parliamentary rule is that a question of privilege takes precedence over any other business of the Assembly.

Yesterday, he said this matter shall be delayed and not dealt with today; I am going to make a decision. I didn't even know the details of the point of privilege; my colleagues didn't; no one else did. But the Speaker made a judgment as to the business on the floor of this Assembly: a judgment, not a matter of upholding the rules, because it is not in the rules, and he says here very clearly, "A question of privilege takes precedence over any other business".

The point of privilege should have been allowed on the floor of this Assembly. It was not. That means we cannot accept what the Speaker has done. If this House approves what he has done, if it becomes precedent and we are not allowed to raise points of privilege, democracy, freedom of speech, and the rights of members of this House have been eroded unbelievably. The rights have been eroded to a point where it will be worthless to come in this House and have any protection, any right to raise matters we think are important.

What else was determined by the hon. Member for Edmonton Meadowlark in that 1977 *Hansard*? He also talked about the matter with regard to notifying the accused. Some people here have said it is a charge. It is not a charge. It's a matter of raising the matter, the point of privilege. The hon. Mr. Yurko raised the matter, not with any notice as was quoted so gaily by the hon. Minister of Education:

Before making a complaint against a Member it is the practice, as a matter of courtesy, to give him notice beforehand.

No notice was given to my predecessor Mr. Clark. He states that right in *Hansard*. He was unaware. He wanted to adjourn the debate. The Speaker said, I cannot adjourn the debate because I want to hear the evidence. That was the Speaker's prerogative. He "may" ask everybody to give evidence at that point in time. The Attorney General was right if he had been speaking on the point after the point of privilege is on the floor of the Legislature. It was not.

If we go along and follow the Speaker on this ruling, the erosion that has happened to freedom of speech ...

MR. DEPUTY SPEAKER: I regret interrupting the speaker. It's not on a point of order or anything else. I have received a message regarding the dental association dinner, and I apologize to the Leader of the Opposition for making this announcement.

MR. SINDLINGER: How could you do that. This man is making a point [interjections] dental banquet. I don't believe it.

MR. DEPUTY SPEAKER: The message I have received, and I have been asked to give it to members, is that the dinner and reception are being postponed.

MR. R. SPEAKER: Mr. Speaker, I know that the party here that represents this province as a government thinks of social affairs, dinners, and things like this as more important than the rules of this House and the freedom of speech of individuals, the rights of every one of us as members. That's what we're talking about: the opportunity to have a fair and reasonable hearing on any matter in this House. The focus of this debate is a question of whether or not this kind of democracy will continue. If it doesn't, and if this government, with its large majority, defeats my motion on the Order Paper, it only encourages suppression of speech, and of the right of the individual members on this side of the House to bring matters forward into their public arena, which in terms of democratic rights has been protected for many years. That precedent can take away from us the right to speak on matters, the right to speak in cases where there is inconsistency in terms of actions of ministers and other members of this Assembly. Mr. Speaker, that's not good enough.

The Speaker of this Assembly, the hon. Member for Edmonton Meadowlark, must come to this Assembly and say, I have committed a wrong and have made a misjudgment. He has been wrong in making a judgment that he will distribute documents that have come from one member, or any member, to his office. If he is not willing to say he will not do that again unless the member has given him approval to do so; if he is not willing to do those two things, I think he has only one option, and that is to resign from the role he is in, because he is preventing the rights of members to continue at a high level and, secondly, the freedom of speech that we want in this Assembly.

Those judgments were wrong; they were bad, unacceptable, and are not precedents. If we as members on this House allow that to continue, allow the precedent to be on the books — and that's what it is now, after this debate today; it is on the books, and points of privilege can be refused by the actions that were taken yesterday —

then that is a very unfortunate situation. The government itself, which determines whether or not the Member for Edmonton Meadowlark stays in the Chair, has to examine its position as to whether it can uphold that kind of ruling. I don't think it can, because it was blatantly wrong.

Historically, the hon. Member for Edmonton Meadowlark made a different decision in terms of the October decision. He made a different decision yesterday which didn't allow a point of privilege. The earlier one was from the government side. The one yesterday was from the opposition. I don't know whether or not that is significant. But I think the matter is serious. It can't be left to go on as it is. If the House has to work under those kinds of conditions, I think we as members are in a very difficult position. If that condition continues, I must say that I will not have confidence in the Chair. I will not have trust in the Chair. I will not have trust that my rights will be upheld, that there will be confidentiality in our conversations. I will always feel, whether rightly or wrongly, that information will be provided to all members, and everybody else, when I relate it to the Speaker, the hon. Member for Edmonton Meadowlark. I don't want to work under those conditions. I think we have to deal with it. The hon. Member for Edmonton Meadowlark has to deal with the matter, and certainly in this Legislature.

I think the matter is serious. In passing it, the resolution says we do not support the Speaker in his actions, that we do not have confidence in him. Under the circumstances, if that precedent continues, I don't think there is any other alternative for this Legislative Assembly at this time.

[Mr. Deputy Speaker declared the motion lost. Several members rose calling for a division. The division bell was rung]

MR. DEPUTY SPEAKER: While we are waiting for the time to expire to call the standing vote, I would like to express some concern about the remark made that we in this Assembly are only concerned about social affairs. I made the announcement regarding the dental dinner — and I might say that it is being postponed until the arrival of all members of this Assembly; that is, opposition and government members. I didn't want to cast any reflection on anybody by that announcement. I didn't really want to have to interrupt the Leader of the Opposition, but I was asked to make that announcement right then. Of course, I erred in not telling you that it was going to be postponed until the members arrived.

MR. NOTLEY: Mr. Speaker, on a point of order. While we're waiting, I wonder if we might get some indication from the Government House Leader of the government's intention with respect to business tomorrow night.

MR. CRAWFORD: Mr. Speaker, I don't mind dealing with that. I might say that I dealt with it yesterday. The business I described for the House this afternoon is the business we will do tomorrow night. To refresh hon. members minds. [interjection] No, and when necessary it can certainly be done.

Because of the importance of it, I think Bill 92 is likely to occupy a considerable period of time. So there had not been a specific designation of other Bills in addition to Bill 92. It is the proposal to begin that at 8 o'clock, and if there's time, committee study of some Bills.

[Three minutes having elapsed, the House divided]

For the motion:

Buck	Sindlinger	Speaker. R.
Notley		

Against the motion:

X	X	X
Adair	Hiebert	Paproski
Anderson, C.	Hyland	Payne
Anderson, D.	Hyndman	Pengelly
Bogle	Isley	Purdy
Borstad	Kowalski	Reid
Bradley	Kozia	Russell
Campbell	Kroeger	Schmidt
Chichak	Kushner	Shaben
Clark, L.	LeMessurier	Stewart
Cook	Little	Stromberg
Cookson	Lysons	Thompson
Crawford	Mack	Topolnisky
Diachuk	McCrae	Trynchy
Embury	Moore	Webber
Fjordbotten	Musgreave	Weiss
Fyfe	Osterman	Wolstenholme
Harle	Pahl	Young

Totals:	Ayes - 4	Noes - 51
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[At 6:23 p.m., on motion, the House adjourned to Thursday at 2:30 p.m.]

