



**Legislative Assembly
Province of Alberta**

No. 26

VOTES AND PROCEEDINGS

Second Session

Twenty-Second Legislature

Monday, April 23, 1990

The Speaker took the Chair at 2:30 p.m.

ROUTINE

Tabling Returns and Reports

Hon. Mr. Anderson, Minister of Consumer and Corporate Affairs:

National Consumer Week Partnership Participants, New Initiatives
Sessional Paper 325/90

Hon. Mr. Isley, Minister of Agriculture, pursuant to the Veterinary Profession Act,
cV-3.1, s7(4), 1984 Statutes:

Alberta Veterinary Medical Association, Annual Report 1989
Sessional Paper 16/90

Hon. Mr. Orman, Minister of Energy, pursuant to the Petroleum Incentives Program
Act, cP-4.1, s2(6), 1981 Statutes:

Alberta Petroleum Incentives Program Fund, Annual Report 1988-89
Sessional Paper 47/90

Hon. Mr. Gogo, Minister of Advanced Education, pursuant to the Financial Administration Act, cF-9, s2(6), RSA 1980:

Red Deer College, Annual Report 1988-89

Sessional Paper 8D/90

The University of Lethbridge, Annual Report 1988/89

Sessional Paper 10B/90

Hon. Mr. Fowler, Solicitor General, pursuant to the Legislative Assembly Act, cL-10.1, s52, 1983 Statutes:

Alberta Solicitor General, Annual Report 1988-89

Sessional Paper 115/90

Ministerial Statements

Hon. Mr. Anderson, Minister of Consumer and Corporate Affairs, announced this week as the first annual National Consumer Week.

Mr. Martin, Hon. Leader of the Opposition, commented on the statement.

Speaker's Ruling

The Speaker made the following ruling:

On April 9, 1990, the Hon. Member for Stony Plain asked a question of the Premier with regard to the activities of the Hon. Member for Redwater-Andrew concerning an alleged conflict of interest.

On April 10 the Member for Redwater-Andrew rose in the House on a purported point of privilege to complain that his privileges had been breached, insofar as the serious allegations made against him by the Member for Stony Plain had "undermined [his] ability to carry out the duties of [his] office." He further went on to deny that he had a financial interest in certain lands which were the subject of the Member for Stony Plain's question, and stated that the allegations had jeopardized his position as an MLA to deal with town councils and constituents in his constituency. To support his case of his privileges being breached, the Hon. Member for Redwater-Andrew filed with the House certain documents, both on that day and the day following, to support his arguments.

On April 11 the Hon. Member for Stony Plain also rose in the House to complain of a purported breach of the Assembly's privileges, which allegedly occurred through the statements made by the Hon. Member for Redwater-Andrew in his question of privilege the day before. The complaint was based on the allegation that it appeared "that the Hon. Member for Redwater-Andrew misled the House on this matter when he raised it [on April 9th], and thereby violated the privileges of the Assembly." The Member for Stony Plain also filed documents in the House to support his complaint against the Member for Redwater-Andrew.

Hon. Members, before ruling on these two purported points of privilege brought to the attention of the Assembly, the Chair would like to clarify its role with respect to these rulings.

First, the Chair cannot and will not make any ruling or observation with respect to allegations of conflict of interest against Members. Business activities of Members outside this House are outside the scope of privilege and thus beyond the jurisdiction of the Speaker. The appropriate forum for such issues is either in the legal arena or the political arena.

Second, the provisions of the Legislative Assembly Act relate to improper contracts, official positions with the Crown, and the receipt of public money. This is not alleged here and in any event is not a matter of privilege which would involve a ruling by the Chair.

Third, the Chair has no authority to refer any matter of privilege to a committee of this House for further examination. Under Standing Order 15, it can only rule whether a prima facie case of privilege may appear to exist. From that point, only the House itself, in response to a motion of any Member on notice, can deal with the issue further.

There are two separate purported points of privilege:

- (1) Did the Member for Stony Plain commit a breach of privilege as complained on April 10, 1990, by undermining the Member for Redwater-Andrew's ability to carry out the duties of his office?
- (2) Did the Member for Redwater-Andrew breach the privileges of the Assembly by deliberately misleading the House, as complained of on April 11, 1990?

These are the only issues the Chair can consider.

With respect to the first question, the Chair has taken advantage of the Easter break to carefully consider the documentation filed in the House by both Members. Much of it relates to land titles, commercial Agreements for Sale of Land, alleged conversations between various parties outside the House, and so on. It is very clear that the Chair cannot, in good conscience, rely on newspaper accounts or third-hand reports of things which may or may not have happened, or things which may or may not have been said, outside this Chamber.

The Chair has seen no evidence that the suggestions by the Hon. Member for Stony Plain of an apparent conflict of interest situation has in any way impaired the ability of the Member for Redwater-Andrew to carry out his duties as an MLA. From the documentation available to the Chair, it appears without question that the Member for Stony Plain was acting in good faith when he raised the issue with the Premier, using the best available documentation, from a public authority, to support his belief that the Member for Redwater-Andrew had a financial interest in certain lands. The Chair rules that the Member for Redwater-Andrew has not brought a prima facie case of privilege to the attention of the Chair with respect to this point.

With respect to the second question, the Chair has considered a number of points. The first is that a copy of an Agreement for Sale, filed by the Member for Redwater-Andrew executed on March 2, 1990. The second is that a Certificate of Title was also filed with the Assembly by the Member for Stony Plain, showing the actual transfer date of the lands in question to be April 11, 1990. It also came to the attention of the Chair that the actual document for the transfer of title was signed on April 5, 1990. The question for the Chair to determine is whether the Member deliberately misled the House as to when he divested his company of a financial interest in those lands.

The conflict appears to be the differing interpretations of the two Members as to when the divestment of the financial interest actually took place. Was it on March 2, or was it on April 5 or April 11? It appears to the Chair that this is a legal question which the Chair should not answer, even though a purported point of privilege has raised a legal question. Regardless of when the actual land title transfer occurred, the Agreement for Sale was completed on March 2, 1990 at a specific price, and there is no evidence before the Chair that the Hon. Member for Redwater-Andrew could take any profit or benefit from the lands which accrued between that time and the actual transfer.

To warrant a prima facie breach of privilege, an intent to deceive the Assembly must at least be indicated. To a lawyer, the finer points of what actually constitutes a sale of land or a transfer of land is known. To a layman, it is not. The Chair feels it is reasonable for a layman to conclude his interest in a parcel of land has been transferred once his lawyer has him complete the Agreement for Sale with the purchaser. In addition, the House was advised that the Member for Redwater-Andrew gave directions to his lawyer in late 1989 to dispose of the property. Regardless of when the title was actually transferred — which interpretation must be made by a court of law and not the Speaker of the Legislative Assembly — the Chair finds nothing in the Member's statements to suggest an intent to deceive the Assembly.

Therefore, the Chair rules that the Honourable Member for Stony Plain has not raised a prima facie point of privilege.

ORDERS OF THE DAY

Committee of Supply

According to Order, the Assembly resolved itself into Committee of Supply.

(Assembly in Committee)

And after some time spent therein, the Acting Deputy Speaker assumed the Chair and Mr. Moore reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Forestry, Lands and Wildlife, reports progress thereon, and requests leave to sit again.

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

On motion by Hon. Mr. Horsman, Government House Leader, at 5:30 p.m., it was agreed that when the Members reassembled at 8:00 p.m., they would be in Committee of Supply, and the Acting Deputy Speaker left the Chair.

MONDAY, APRIL 23, 1990 — 8:00 P.M.

Committee of Supply

According to Order, the Assembly resolved itself into Committee of Supply.

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker assumed the Chair and Mr. Jonson reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Energy, reports progress thereon, and requests leave to sit again.

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

On motion by Hon. Mr. Stewart, Deputy Government House Leader, the Assembly adjourned at 10:24 p.m. until Tuesday, April 24, 1990, at 2:30 p.m.

NOTICES

Leave to Introduce a Bill

- Bill 19 Financial Consumers Act — Hon. Mr. Anderson
- Bill Pr1 Sisters of Charity of Providence of High Prairie Amendment Act, 1990 — Dr. Elliott
- Bill Pr2 Edmonton Research and Development Park Authority Amendment Act, 1990 — Mr. Zarusky
- Bill Pr3 Nechi Community College Act — Ms Calahasen
- Bill Pr4 Canada West Insurance Company Amendment Act, 1990 — Mr. Mitchell
- Bill Pr5 The Calgary Jewish Academy Amendment Act, 1990 — Mrs. Mirosh
- Bill Pr6 Alberta Wheat Pool Amendment Act, 1990 — Dr. Elliott
- Bill Pr7 St. Therese Hospital (Grey Nuns) of St. Paul Amendment Act, 1990 — Mr. Drobot
- Bill Pr8 Satnam Parmar Adoption Termination Act — Mr. Drobot
- Bill Pr10 La Societe de Bienfaisance Chareve Tax Exemption Act — Mr. Zarusky
- Bill Pr11 Campbell McLaurin Foundation for Hearing Deficiencies Amendment Act, 1990 — Mrs. Black
- Bill 219 Arts Council Act — Mrs. Gagnon
- Bill 222 An Act to Amend the Interprovincial Lottery Act — Mr. Chumir
- Bill 223 Alberta Economic Diversification Board Act — Mr. Bruseker
- Bill 224 Water Transfer Control Act — Mr. Taylor
- Bill 225 An Act to Amend the Auditor General Act — Mr. Chumir
- Bill 226 Open Taxation Act — Mr. Chumir
- Bill 227 Quality Child Day Care Training and Standards Act — Ms Mjolsness
- Bill 229 An Act to Amend the Students Finance Act — Ms Barrett
- Bill 231 Public Service Pay Equity Act — Mr. Decore
- Bill 232 An Act to Amend Certain Statutes on Maintenance — Ms M. Laing
- Bill 233 Quality Child Day Care Standards Act — Mrs. Hewes
- Bill 234 Arts Board and Arts Council Act — Ms Barrett
- Bill 235 An Act to Amend the School Act — Mrs. Gagnon
- Bill 236 Instructional Materials Production Act — Mr. Jonson
- Bill 237 An Act to Amend the Dairy Board Act — Mr. Taylor

- Bill 238 Environmental Ombudsman Act — Mr. Mitchell
- Bill 239 Environmental Impact Assessment Act — Mr. McInnis
- Bill 240 An Act to Amend the Hail and Crop Insurance Act — Mr. Taylor
- Bill 241 An Act to Amend the Limitation of Actions Act — Mr. Wright
- Bill 242 School User Fees Elimination Act — Mr. Woloshyn
- Bill 243 An Act to Amend the Assured Income for the Severely Handicapped Act — Ms Mjolsness
- Bill 246 An Act to Include Midwifery as a Profession Under the Health Disciplines Act — Mrs. Hewes
- Bill 247 Justice Review Committee Act — Mr. Day
- Bill 248 An Act to Amend the School Act — Mrs. Gagnon
- Bill 249 Native Peoples Representation Act — Ms Calahasen
- Bill 250 An Act to Amend the Hail and Crop Insurance Act — Mr. Paszkowski
- Bill 251 Forest Industry Development Administration Act — Mr. Mitchell
- Bill 252 An Act to Amend the Universities Act — Mrs. Gagnon
- Bill 253 Alberta Farm Security Act — Mr. Taylor
- Bill 254 An Act to Amend the Individual's Rights Protection Act — Ms M. Laing
- Bill 255 Alberta Palliative Care Foundation Act — Mrs. Black
- Bill 257 Service Dogs Act — Mr. Payne
- Bill 258 An Act to Amend Certain Statutes on Marital Status — Ms M. Laing
- Bill 259 Tobacco Control Act — Mr. Schumacher
- Bill 260 An Act to Amend the Alberta Health Care Insurance Act — Mr. Payne
- Bill 261 An Act to Phase Out the Use of Chlorofluorocarbons — Mr. Mitchell
- Bill 262 Space Agencies Act — Mr. Day
- Bill 263 An Act to Amend the Marketing of Agricultural Products Act — Mr. Fox
- Bill 264 An Act to Amend the Historical Resources Act — Ms Barrett
- Bill 265 Natural Gas Tax Rebate for Alfalfa Pelletizing Act — Mr. Paszkowski
- Bill 267 An Act to Commit Government to a Five Year Funding Planning Framework — Mr. Wickman
- Bill 268 Children's Access Rights Enforcement Act — Mr. Evans
- Bill 269 "Whistle Blower's" Protection Act — Mr. McInnis
- Bill 270 An Act to Amend the Judicature Act — Mr. Wright
- Bill 271 An Act to Amend the Expropriation Act — Mr. Lund

- Bill 272 Environmental Assessment Act — Mr. Mitchell
- Bill 273 Financial Reform Act — Mr. Hawkesworth
- Bill 274 Freedom of Information and Personal Privacy Act — Mr. Pashak
- Bill 275 Unfair Contract Terms Act — Mr. Wright
- Bill 277 Government Open Contract Act — Mr. Bruseker
- Bill 279 An Act to Amend the Builders' Lien Act — Mr. Taylor
- Bill 280 An Act to Amend the Members of the Legislative Assembly Pension Plan Act — Mr. Doyle
- Bill 283 Interest Charge Review Board Act — Mr. Wright

Written Questions

253. Mr. Bruseker to ask the Government:

- (1) How much did it cost to send two Soviet bureaucrats to attend a Banff School of Advanced Management session beginning February 4, 1990?
- (2) Why were these two bureaucrats sent?
- (3) What did we get in return for our dollars?

254. Mr. Mitchell to ask the Government:

What are the terms of reference for Jaakko Pöyry Consulting Inc. when examining the scientific data submitted to the Alberta-Pacific Environmental Impact Assessment Review Board?

255. Mr. Chumir to ask the Government:

What amount, if any, has been paid by the Government to Mr. Hugh Planche, in respect of services rendered for the fiscal periods ending March 31, 1987, 1988, 1989, and 1990?

256. Mr. Chumir to ask the Government:

What is the amount of legal fees paid by the Government for Mr. Donald Cormie and members of his family with respect to the Code hearing and related matters?

257. Mrs. Hewes to ask the Government:

Has the Government prepared any estimates of the annual cost that would be incurred by extending pension benefits, equivalent to the widows' pension, to single Albertans, of both sexes, who are in the same age range and the same economic circumstances as a person qualifying for a pension under the Widows' Pension Act? What is the Government's estimate of undertaking such changes?

258. Mrs. Hewes to ask the Government:

How many Albertans received premium subsidy under the Alberta Health Care subsidy plan in the past three fiscal years in the following categories:

- (1) family coverage
 - (a) regular rate (combined adjusted taxable balance above \$10,000);
 - (b) combined adjusted taxable balance above \$8,000 but not more than \$10,000;
 - (c) combined adjusted taxable balance above \$6,000 but not more than \$8,000; and
 - (d) combined adjusted taxable balance not more than \$6,000;
- (2) single coverage
 - (a) regular rate (adjusted taxable balance above \$5,500);
 - (b) adjusted taxable balance above \$4,500, but not more than \$5,500;
 - (c) adjusted taxable balance above \$3,500, but not more than \$4,500; and
 - (d) adjusted taxable balance not more than \$3,500?

259. Mr. Mitchell to ask the Government:

What facilities are available for the safe disposal of biomedical waste (e.g. syringes used by diabetics) by individuals, and what information is available to inform the public about these facilities?

260. Mr. Mitchell to ask the Government:

With respect to developments in the Bow Corridor, what is the policy of the Government for

- (1) determining whether an environmental impact assessment is required; and
- (2) carrying out an environmental impact assessment?

261. Mr. Mitchell to ask the Government:

What was the reason for the Department of Forestry, Lands and Wildlife's payment of \$311,670 to Canadian Forest Products Ltd. in 1988-89 (see p.5.36 of Supplementary Information to the Public Accounts, 1988-1989)?

Motions for Returns

262. Mr. Mitchell to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

Any reports that the Government has purchased or received that have been carried out by Jaakko Pöyry Oy or Jaakko Pöyry Consulting Inc.

263. Mr. Bruseker to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A detailed breakdown of all grants under the Team Tourism program indicating the names of the recipients, total value of each grant, purpose of each grant, and total amount of funds delivered under the program.

264. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of the operating leases in effect after September 25, 1987, and any subsequent amendments thereto, between Gainers Properties Inc. on the one hand, and Gainers Inc. and Sodor Foods Inc. on the other.

265. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of the Personal Performance Guarantee, dated September 25, 1987, and any subsequent amendments thereto, provided by Peter Pocklington to the Government of Alberta pursuant to a \$55 million guaranteed loan and a \$12 million loan made available to Gainers Properties Inc. on March 3, 1988.

266. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of the trust agreement or agreements between the Government of Alberta and 369413 Alberta Ltd. with respect to the ownership and control of Gainers Inc., Gainers Properties Inc., Sodor Foods Inc., or their subsidiaries.

267. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of a report prepared by Coopers & Lybrand Limited with the assistance of Clarkson Gordon, on or about July 1989, which contains a comprehensive business plan for Gainers and a detailed industry and market study to address the company's short- and long-term viability.

268. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

Copies of all agreements between the Government of Alberta, 369413 Alberta Ltd., and Gainers Inc. with respect to the payment or non-payment of any debts or advances owing by Gainers or any of its subsidiaries.

269. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

Copies of all agreements between the Government of Alberta, or its nominee, and Lloyds Bank Canada with respect to the special warrant expenditure of \$35 million, on or about October 20, 1989, to purchase the indebtedness owing to Lloyds Bank by Gainers Inc.

270. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of a Priorities and Postponement Agreement between Lloyds Bank Canada and 369413 Alberta Ltd., dated on or about August 8, 1989, whereby the Bank was allowed to take a \$5 million prior charge on the fixed assets of Gainers.

271. Mr. Fox to propose the following motion:

That an Order of the Assembly do issue for a Return showing:
Copies of all agreements between the Government of Alberta, 369413 Alberta Ltd., and the lending institution which advanced monies under the \$55 million loan to Gainers Properties Inc. announced on March 3, 1988.

272. Mr. Chumir to propose the following motion:

That an Order of the Assembly do issue for a Return showing:
Copies of all documents and correspondence exchanged by the Government of Canada and the Government of Alberta regarding the implementation and administration of the flat rate tax.

David J. Carter,
Speaker

Title: Monday, April 23, 1990