



**Legislative Assembly
Province of Alberta**

No. 59

VOTES AND PROCEEDINGS

Second Session

Twenty-Second Legislature

Monday, June 11, 1990

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

ROUTINE

Notices of Motions

Hon. Mr. Horsman, Government House Leader, gave oral notice of his intention to move, pursuant to Standing Order 30, that the Assembly adjourn to discuss a matter of urgent public importance, namely the Final Communique, of the First Ministers' Meeting on the Constitution, June 9, 1990.

Mr. Decore, Hon. Leader of the Liberal Party, gave oral notice under Standing Order 40, of his intention to seek unanimous consent to consider a motion to have Motion 296, dealing with constitutional reform, moved to the top of the Order Paper tomorrow, June 12, 1990.

Tabling Returns and Reports

Hon. Mr. Brassard, Associate Minister of Social Services:

Answer to Written Question 257 asked by Mrs. Hewes on March 8, 1990:

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?
Sessional Paper 257/90

Hon. Mr. Getty, Premier:

First Ministers' meeting on the Constitution, Final Communique, June 9, 1990
Sessional Paper 343/90

Hon. Mr. Rostad, Attorney General:

Crimes Compensation Board, Annual Report 1988-89
Sessional Paper 571/90

Mr. Decore, Hon. Leader of the Liberal Party:

Proposals for future constitutional discussions, Alberta Liberal Caucus
Sessional Paper 572/90

Motion for Adjournment for an Emergency Debate

Hon. Mr. Horsman, Government House Leader, requested leave to move, pursuant to Standing Order 30, that the Assembly adjourn to discuss a matter of urgent public importance, namely the Final Communique, June 9, 1990, of the First Ministers' Meeting on the Constitution.

The Speaker ruled that the motion was in order under Standing Order 30 and asked the Assembly whether the debate should proceed. There being no member opposed, the Speaker called upon Hon. Mr. Getty, Premier.

On motion by Mr. Decore, Leader of the Liberal Party, unanimous approval was given to vary Standing Order 30(5) to allow the Premier, the Leader of the Opposition, and the Leader of the Liberal Party to speak for 20 minutes.

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 the Whole and the Speaker left the Chair.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 19 Financial Consumers Act — Hon. Mr. Anderson

Mr. Wright, Hon. Member for Edmonton-Strathcona, moved that the Bill be amended as follows:

A. Section 2(f) is struck out and the following is substituted:

- (f) "financial planner" means a person who holds himself out as being engaged in financial planning and includes a person licensed to do financial planning under regulations made under the Licensing of Trades and Businesses Act.

A debate followed.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 11

Bruseker	Laing (Edmonton-Avonmore)	Sigurdson
Chumir	McEachern	Taylor
Fox	Pashak	Wright
Hawkesworth	Roberts	

Against the amendment: 33

Ady	Fjordbotten	Osterman
Anderson	Fowler	Paszkowski
Bogle	Hyland	Payne
Brassard	Klein	Rostad
Calahasen	Kowalski	Severtson
Cardinal	Laing (Calgary-Bow)	Shrake
Cherry	Lund	Sparrow
Day	Main	Stewart
Elliott	McClellan	Tannas
Evans	Mirosh	Thurber
Fischer	Moore	Zarusky

Mr. Wright, Hon. Member for Edmonton-Strathcona, moved that the Bill be amended as follows:

- C. Section 5(1) is amended by adding ", having regard to all the circumstances of the particular consumer and the transaction," after "consumer knows or".

A debate followed.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 11

Barrett	Hawkesworth	Roberts
Bruseker	Laing (Edmonton-Avonmore)	Taylor
Chumir	McEachern	Wright
Fox	Pashak	

Against the amendment: 33

Ady	Fjordbotten	Osterman
Anderson	Fowler	Paszkowski
Bogle	Hyland	Payne
Brassard	Klein	Rostad
Calahasen	Kowalski	Severtson
Cardinal	Laing (Calgary-Bow)	Shrake
Cherry	Lund	Sparrow
Day	Main	Stewart
Elliott	McClellan	Tannas
Evans	Mirosh	Thurber
Fischer	Moore	Zarusky

Mr. Wright, Hon. Member for Edmonton-Strathcona, moved that the Bill be amended as follows:

- D. Section 8 is struck out and the following is substituted:
 - 8. Before advising a consumer, the supplier, agent or financial planner must ask a consumer
 - (a) why the consumer needs advice, and
 - (b) what purpose the consumer intends to achieve by investing,and must give advice or propose a named financial product to the consumer that is appropriate in light of the consumer's response.

E. Section 13 is amended

(a) by adding the following after subsection (1)

(1.1) (a) any provision in a document that exempts the seller of the financial product from liability or restricts that liability, wherever the provision is located in the document, must be drawn to the attention of the consumer on the first page of the document, in bold type, as being a condition under which liability may be limited;

(b) any provision that is not drawn to the attention of the consumer in accordance with clause (a) is void.

A debate followed.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 10

Bruseker	Laing (Edmonton-Avonmore)	Roberts
Chumir	McEachern	Taylor
Fox	Pashak	Wright
Hawkesworth		

Against the amendment: 32

Ady	Fowler	Paszkowski
Anderson	Hyland	Payne
Bogle	Klein	Rostad
Calahasen	Kowalski	Severtson
Cardinal	Laing (Calgary-Bow)	Shrake
Cherry	Lund	Sparrow
Day	Main	Stewart
Elliott	McClellan	Tannas
Evans	Mirosh	Thurber
Fischer	Moore	Zarusky
Fjordbotten	Osterman	

The following Bill was taken under consideration:

Bill 33 Metis Settlements Accord Implementation Act — Hon. Mr. Rostad

Mr. Hawkesworth, Hon. Member for Calgary-Mountain View, moved that the Bill be amended as follows:

A. Part 5 is amended by adding the following after Section 52:

"52.1

Nothing in this part is to be construed so as to abrogate or derogate from any aboriginal rights referred to in Section 35 of the Constitution Act, 1982".

A debate followed.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 10

Barrett	Hawkesworth	Pashak
Bruseker	Laing (Edmonton-Avonmore)	Roberts
Chumir	McEachern	Taylor
Fox		

Against the amendment: 27

Anderson	Kowalski	Payne
Bogle	Laing (Calgary-Bow)	Rostad
Calahasen	Lund	Severtson
Cherry	Main	Shrake
Day	McClellan	Sparrow
Evans	Mirosh	Stewart
Fischer	Moore	Tannas
Fjordbotten	Paszkowski	Thurber
Fowler	Payne	Zarusky
Klein		

The following Bill was taken under consideration:

Bill 36 Constitution of Alberta Amendment Act, 1990 — Hon. Mr. Rostad

Mr. Hawkesworth, Hon. Member for Calgary-Mountain View, moved that the Bill be amended as follows:

- A. The preamble is amended by adding "Whereas Section 43 of the Constitution Act, 1982 provides for an amendment to the Constitution of Canada in relation to any provision that applies to Alberta;" after "section 35 of the Constitution Act, 1982".
- B. The following is added after section 9:

"10. The Government of Alberta, following proclamation, will lay before the Legislative Assembly of Alberta at the earliest opportunity when it is then sitting, a resolution in the form appended hereto and will seek to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution of Canada under Section 43 and the Alberta Act, to give effect to this Act."

A debate followed.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 6

Fox	Laing (Edmonton-Avonmore)	Pashak
Hawkesworth	McEachern	Roberts

Against the amendment: 34

Ady	Fowler	Osterman
Anderson	Hyland	Paszkowski
Bogle	Klein	Payne
Calahasen	Kowalski	Rostad
Cardinal	Laing (Calgary-Bow)	Severtson
Cherry	Lund	Shrake
Chumir	Main	Sparrow
Day	McClellan	Stewart
Elliott	Mirosh	Tannas
Evans	Mitchell	Thurber
Fischer	Moore	Zarusky
Fjordbotten		

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

The following Bills were reported:

Bill 28 Victims' Programs Assistance Act — Hon. Mr. Fowler
Bill 33 Metis Settlements Accord Implementation Act — Hon. Mr. Rostad
Bill 36 Constitution of Alberta Amendment Act, 1990 — Hon. Mr. Rostad
Bill 55 International Conventions Implementation Act — Hon. Mr. Rostad
Bill 56 Gratuitous Passengers and Interspousal Tort Immunity Statutes Amendment Act — Hon. Mr. Rostad

The following Bills were reported with some amendments:

Bill 19 Financial Consumers Act — Hon. Mr. Anderson
Bill 42 Liquor Control Amendment Act, 1990 — Hon. Mr. Fowler

Mr. Moore, Acting Deputy Chairman of Committees, tabled copies of all amendments considered by Committee of the Whole on this date.

Sessional Paper 344/90

Ordered, That the report be received and concurred in.

Adjournment

On motion by Hon. Mr. Stewart, Deputy Government House Leader, the Assembly adjourned at 12:35 a.m., Tuesday, June 12, 1990, until 2:30 p.m.

NOTICES

Leave to Introduce a Bill

- Bill 38 Loan and Trust Corporations Act — Hon. Mr. Johnston
- Bill 54 Miscellaneous Statutes Amendment Act, 1990 — Hon. Mr. Rostad
- Bill 222 An Act to Amend the Interprovincial Lottery Act — Mr. Chumir
- Bill 225 An Act to Amend the Auditor General Act — Mr. Chumir
- Bill 226 Open Taxation Act — Mr. Chumir
- 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 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 239 Environmental Impact Assessment Act — Mr. McInnis
- Bill 240 An Act to Amend the Hail and Crop Insurance Act — Mr. Taylor
- Bill 242 School User Fees Elimination Act — Mr. Woloshyn
- 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 252 An Act to Amend the Universities Act — Mrs. Gagnon
- Bill 253 Alberta Farm Security Act — Mr. Taylor
- Bill 255 Alberta Palliative Care Foundation Act — Mrs. Black
- Bill 257 Service Dogs Act — Mr. Payne
- Bill 260 An Act to Amend the Alberta Health Care Insurance Act — Mr. Payne
- Bill 262 Space Agencies Act — Mr. Day

- 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 271 An Act to Amend the Expropriation Act — Mr. Lund
- Bill 273 Financial Reform Act — Mr. Hawkesworth
- Bill 274 Freedom of Information and Personal Privacy Act — Mr. Pashak
- Bill 277 Government Open Contract Act — Mr. Bruseker
- Bill 279 An Act to Amend the Builders' Lien Act — Mr. Taylor

Motions

296. Mr. Decore to propose the following motion:

Be it resolved that the Legislative Assembly endorse the principle that no constitutional change will be approved by the Legislative Assembly in future without prior reference to public hearings; and

That the Legislative Assembly establish a Standing Committee on Constitutional Matters which would have representation from all recognized parties in the Legislature, with Party leaders as ex-officio members; which would be responsible for holding such hearings and other public hearings on any agreement, resolution, or amendment on constitutional reform; and,

That the Standing Committee be instructed to hold public hearings without delay in order to develop Alberta's agenda for future constitutional change including calling a national constitutional convention, senate reform, aboriginal and minority rights, a Canada clause, and other issues.

David J. Carter,
Speaker

Title: Monday, June 11, 1990